File #:

62-116395

Serial Scope:

1ST NR 1441
2ND NR 1444, 3RD NR 1444
1ST NR 1445 THRU 1447
1449 THRU 1452
1457
1459 THRU 1463
1465 THRU 1467
1469, 1470
1472 THRU 1474
1475

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

FEB 10 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Steven K. Blackhurst
SB
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: Senate Select Committee Request
dated February 9, 1976

Attached is a letter from the Senate Select Committee dated February 9, 1976. Please arrange for an appropriate response.

S

EX-115

S

24 ENCLOSURE

ENCL BEHIND FILE

REC-38 62-116395-1475

7 MAR 19

cc: Paul Daly

Let to AG cc DAG encls 3/16/76 TJM:eks

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/16/01 BY SP2ALM/CP

TJM
S. McNiff

Executive Order 10450

Security Requirements For Government Employment

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U. S. C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U. S. C. 632, et seq.); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U. S. C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U. S. C. 22-1, et seq.), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

SEC. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

SEC. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Civil Service Commission may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investi-

62-116395-1475

ENCLOSURE

gation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field preappointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

Sec. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall readjudicate, or cause to be readjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

Sec. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, readjudicate, or cause to be readjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

Sec. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

Sec. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Civil Service Commission that such person is eligible for such employment.

Sec. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly

consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.[1]

(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) →Knowing membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organization) which is totalitarian, fascist, communist, subversive, or which has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.[3]←

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.[2]

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Civil Service Commission, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Commission. The Commission shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the

[1] As amended by Executive Order 10548 of August 2, 1954.

[2] As amended by Executive Order 10491 of October 13, 1953.

[3] As amended by Executive Order 11605 of July 2, 1971.

investigative facilities of the Civil Service Commission and other departments and agencies may use such facilities under agreement with the Commission.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (8) [4] of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

SEC. 9. (a) There shall be established and maintained in the Civil Service Commission a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Commission under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Civil Service Commission information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

SEC. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Civil Service Commission on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Civil Service Commission on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

[4] As amended by Executive Order 10531 of May 27, 1954.

SEC. 12. (a) Executive Order No. 9835 of March 21, 1947, as amended is hereby revoked.

(b) The head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order. Except as specifically provided hereafter, nothing contained herein shall be construed in any way to affect previous designations made pursuant to Executive Order No. 10450, as amended.

(c) The Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means.

(d) The Board may determine that an organization has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their constitutional or statutory rights or that an organization seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means if it is found that such group engages in, unlawfully advocates, or has among its purposes or objectives, or adopts as a means of obtaining any of its purposes or objectives.—

(1) The commission of acts of force or violence or other unlawful acts to deny others their rights or benefits guaranteed by the Constitution or laws of the United States or of the several States or political subdivisions thereof; or

(2) The unlawful damage or destruction of property; or injury to persons: or

(3) The overthrow or destruction of the government of the United States or the government of any State, Territory, district, or possession thereof, or the government of any political subdivision therein, by unlawful means; or

(4) The commission of acts which violate laws pertaining to treason, rebellion or insurrection, riots or civil disorders, seditious conspiracy, sabotage, trading with the enemy, obstruction of the recruiting and enlistment service of the United States, impeding officers of the United States, or related crimes or offenses.

(e) The Board may determine an organization to be "totalitarian" if it is found that such organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is autocratic and in which control is centered in a single individual, group, or political party, allowing no effective representation to opposing individuals, groups, or parties and providing no practical opportunity for dissent.

(f) The Board may determine an organization to be "fascist" if it is found that organization engages in activities which seek by unlawful means the establishment of a system of government in the United States which is characterized by rigid one-party dictatorship, forcible suppression of the opposition, ownership of the means of production under centralized governmental control and which fosters racism.

(g) The Board may determine an organization to be "communist" if it is found that such organization engages in activities which seek by unlawful means the establishment of a government in the United States which is based upon the revolutionary principles of Marxism-Leninism, which interprets history as a relentless class war aimed at the destruction of the existing society and the establishment of the dictatorship of the proletariat, the government ownership of the means of production and distribution of property, and the establishment of a single authoritarian party.

(h) The Board may determine an organization to be "subversive" if it is found that such organization engages in activities which seek the abolition or destruction by unlawful means of the government of the United States or any State, or subdivision thereof.

(i) The Board may further determine, after consideration of the evidence, that an organization has ceased to exist. Upon petition of the Attorney General or upon petition of any organization which has been designated pursuant to this section the Board after appropriate hearings may determine that such organization does not currently meet the standards for designation. The Attorney General shall appropriately revise or modify the information furnished to departments and agencies consistant with the determinations of the Board.

(j) The Board shall issue appropriate regulations for the implementation of this section.[5]

Sec. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

Sec. 14. (a) The Civil Service Commission, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Civil Service Commission shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.[5]

(b) All departments and agencies of the Government are directed to cooperate with the Civil Service Commission to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

(c) To assist the Civil Service Commission in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Commission as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Civil Service Commission is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.[6]

Sec. 15. This order shall become effective thirty days after the date hereof.

Dwight D. Eisenhower

The White House,
April 27, 1953.

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[5] As amended by Executive Order 11605 of July 2, 1971. NB. Section 706 of the Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, 1973, approved October 25, 1972, Public Law 92-544, provides as follows:

"Sec. 706. No part of the funds appropriated by this Act shall be available to the Department of Justice or the Subversive Activities Control Board to carry out, execute or implement the provisions of Executive Order 11605 of July 2, 1971."

[6] As amended by Executive Order 10550 of August 5, 1954.

Security Requirements for Government Employment

Executive Order 11785. June 4, 1974

AMENDING EXECUTIVE ORDER NO. 10450, AS AMENDED, RELATING TO SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT, AND FOR OTHER PURPOSES

By virtue of the authority vested in me by the Constitution and statutes of the United States, including 5 U.S.C. 1101 *et seq.*, 3301, 3571, 7301, 7313, 7501(c), 7512, 7532, and 7533; and as President of the United States, and finding such action necessary in the best interests of national security, it is hereby ordered as follows:

SECTION 1. Section 12 of Executive Order No. 10450 of April 27, 1953, as amended, is revised to read in its entirety as follows:

"Sec. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked."

SEC. 2. Neither the Attorney General, nor the Subversive Activities Control Board, nor any other agency shall designate organizations pursuant to section 12 of Executive Order No. 10450, as amended, nor circulate nor publish a list of organizations previously so designated. The list of organizations previously designated is hereby abolished and shall not be used for any purpose.

SEC. 3. Subparagraph (5) of paragraph (a) of section 8 of Executive Order No. 10450, as amended, is revised to read as follows:

"Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means."

SEC. 4. Executive Order No. 11605 of July 2, 1971, is revoked.

RICHARD NIXON

The White House,
June 4, 1974.

[Filed with the Office of the Federal Register, 3:05 p.m., June 4, 1974]

"Presidential Documents"
Volume 10 Number 23
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June 10, 1974

Office of the Attorney General
Washington, D.C.
December 5, 1947

MEMORANDUM FOR MR. HOOVER,
DIRECTOR, FEDERAL BUREAU OF INVESTIGATION

This will refer to your memorandum of November 22 with reference to the Marquis Childs column appearing in The Washington Post on November 18, 1947 and to your letters of November 21, the one addressed to Mr. Childs and the other addressed to Mr. Paul A. Walker, Acting Chairman, Federal Communications Commission.

It is my view that the Bureau's practice of passing along to the various Government departments and agencies information which comes to its attention in connection with the conduct of investigations normally and regularly within the Bureau's jurisdiction is entirely appropriate and correct. Indeed, it would appear that the Bureau would be remiss in its duty if it failed to pass along information coming to it which might prove to be in the interest of the general welfare. It is not the Bureau's responsibility to determine whether the information is or is not of importance to the particular agency in the carrying out of its current activities and responsibilities and whether or not any action is taken by the department or agency is not, of course, a principal concern of the Bureau.

I believe, therefore, that the Bureau should continue its practice of passing along information which it is believed might be of interest to the various departments and agencies. At the same time I believe that it would be appropriate either (a) to prepare a circular to the various departments and agencies explaining the Bureau's purpose in furnishing information from time to time, or (b) to make a particular effort for a time when transmitting individual items of information to explain in the transmittal memorandum the Bureau's purpose in making such transmittal.

Attorney General

United States Department of Justice
Federal Bureau of Investigation
Washington 25, D. C.

IN REPLY, PLEASE REFER TO
FILE No.

November 21, 1947

Mr. Paul A. Walker
Acting Chairman
Federal Communications Commission
Washington, D. C.

Dear Mr. Walker:

Under date of November 18, 1947, there appeared in the column of Mr. Marquis Childs in the Washington Post the following statement attributed to Mr. Clifford J. Durr of the Federal Communications Commission: "Already the FBI is furnishing to the commission unsolicited reports on individuals connected with radio, and I can assure you that if you should be told the kind of things contained in many of these reports you would dismiss the information as baseless gossip."

The Federal Bureau of Investigation has referred to the Federal Communications Commission from time to time information which it has received in the course of its regular investigations which appeared pertinent or material to matters within the jurisdiction of the Commission. It is the policy and practice of the Federal Bureau of Investigation to avoid any attempts to evaluate the significance of information relating to matters without its jurisdiction or the effect of such information upon the contemporary policies and programs of other agencies. As a result, the Bureau furnishes to the various Government departments such information as it receives which appears pertinent to the operations of those Government departments. In so far as is practicable, the Bureau attempts to evaluate the reliability of the source of this information without attempting to make any suggestions as to the use which should or should not be made of the information itself.

Mr. Childs, in his column quoting Mr. Durr's statement, adds the following observation upon Mr. Durr's statement: "Note the word 'unsolicited'. It indicates that the FBI initiated investigations and sought to influence FCC decisions by sending reports on certain individuals to the commission. If this is happening, it is something Congress should know about."

I desire to advise you that this Bureau has not at any time attempted in any manner or degree to influence FCC decisions. The material which has been transmitted to the Commission was sent solely for the purpose of affording the Commission information which came to the Bureau from various sources, which information, it was believed, might be of interest to the official activities of the Commission.

In the light of the statements made by Mr. Durr and since these statements have not been repudiated by any other members of the Federal Communications Commsssion, I must assume that the material which the Bureau has been furnishing to the Commission is not desired by the Commission. I am consequently discontinuing the transmittal of such data to the Commission upon the assumption that the material is of no interest to the Commission.

Very truly yours,

John Edgar Hoover

Director

DEPARTMENT OF JUSTICE

WASHINGTON 25, D. C.

April 7, 1948

TO THE HEADS OF ALL DEPARTMENTS AND
INDEPENDENT AGENCIES OF THE EXECUTIVE BRANCH:

In memorandum of October 7, 1947, I called attention to the fact that the Federal Bureau of Investigation has primary investigative jurisdiction of Section 9-A (61-1, Title 18, USC) of the Hatch Act. It is also pointed out that under the provisions of a presidential interpretation dated 30 October 1947 the Federal Bureau of Investigation has the responsibility of investigating all charges of disloyalty on the part of Federal employees within the Executive Branch of the Government.

The Federal Bureau of Investigation has sufficient investigative personnel under its direct supervision to carry out this responsibility in the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands. However, it does not have personnel stationed in other areas of the world. Therefore, it has been necessary, in order that the Bureau may be enabled to carry out its responsibility, to arrange by agreement with the Departments and Agencies principally concerned for the delegation of the actual investigative work to certain other Departments of the Executive Branch in those areas where it has no investigative personnel.

It is recognized that there are two major classes of loyalty investigation. The first is the routine loyalty check of applicants for classified positions or of incumbents of such positions initiated in accord with Executive Order 9835. The second type is that in which doubt of loyalty of incumbents arises independently of the routine check. Procedures in regard to these two types must necessarily vary.

I. <u>Routine loyalty checks of employees stationed overseas.</u>

The Federal Bureau of Investigation will direct specific requests for the assistance of other agencies in handling the actual investigative work in accordance with the following principles:

A. The Department of the Army, Navy or Air Force shall be requested to utilize its own facilities for the necessary investigation of any of its own civilian personnel stationed outside the continental limits of the United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands. The Federal Bureau of Investigation will continue to have the sole responsibility of conducting such investigation as is necessary within the continental limits of the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

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involving civilian personnel of the Army, Navy or Air Force. The Federal Bureau of Investigation will refer to the appropriate agency all available material and will request investigation, and upon completion thereof, the reports should be furnished to the Federal Bureau of Investigation as provided hereafter.

B. With respect to the necessary investigation of any of the personnel of other Departments and Agencies stationed outside the continental limits of the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands--

1. Requests for such investigation of Federal civilian employees stationed in occupied areas or areas under military investigative jurisdiction shall be directed to the Department of the Army, Navy, or Air Force for transmission to the Theater Commander or Area Commanding Officer, who will utilize for this purpose any appropriate investigative facility of the United States available in his area of command.

2. Requests for such investigation of any Federal civilian employees stationed in unoccupied areas shall be directed to the State Department for transmittal to its appropriate foreign office, which will utilize for this purpose any investigative authority of the United States available in that country, or, in case no competent investigative facilities are available in that country, the principal diplomatic officer shall refer the matter for investigation to the principal diplomatic officer stationed in a nearby country where investigative facilities are available.

The reports of completed investigations shall be returned to the Federal Bureau of Investigation in response to its original request for assistance through the same channels utilized in transmitting the request for investigation, for consolidation with such material as the Bureau may have available in its files, or may have developed by investigation, and for further processing in line with the procedures which have been developed for carrying out the Loyalty Program.

II. "Complaint Type" loyalty checks of employees stationed overseas.

Such inquiries normally originate in the field and must be handled with the utmost possible dispatch. The agency in which the case originates will notify the Federal Bureau of Investigation as soon as a preliminary inquiry in the field has established grounds for a full investigation. The Federal Bureau of Investigation will immediately check its files and inform the field agency

of any derogatory information which it may have on file. The Federal Bureau of Investigation will at once open a full field investigation within the continental limits of the United States, etc., when such investigation is required by the availability of information within those areas. Completion of such investigation will be reported to the originating agency through normal channels.

A. The Departments of Army, Navy, and Air Force will utilize their own facilities for the necessary investigation of any of their own civilian personnel stationed outside the continental limits of the United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

B. With respect to the necessary investigation under Class II of any of the personnel of other Departments and Agencies stationed outside the continental limits of the United States, Alaska, Hawaii, Puerto Rico and the Virgin Islands:

1. In occupied areas the Theater Commander will have full responsibility to utilize any appropriate investigative facility of the United States available in his area of command.

2. In unoccupied areas the principal diplomatic officer will be responsible for utilizing any investigative facility of the United States which is available in the country of his jurisdiction, or, if there is no such investigative facility available within the country of his jurisdiction, he shall refer the matter to the principal diplomatic officer stationed in a nearby country in which investigative facilities are available.

The reports of completed investigation shall be forwarded to the Federal Bureau of Investigation through normal channels.

It is understood that the declaration of emergency, or the establishment of martial law within areas of the continental United States, Alaska, Hawaii, Puerto Rico, or the Virgin Islands will have the effect of making those areas "occupied territory," with the consequent application of procedures described in sections IA and BI and IIA above.

The agreement which this memorandum serves to record has to do only with the establishing of a method of handling actual investigations in areas where the Federal Bureau of Investigation has no investigative facilities. Furthermore, the procedures herein prescribed do not purport to limit in any way, or delay the exercise of, the authority possessed by

certain Department and Agency heads summarily to dismiss employees where necessary in the interest of National Defense.

These loyalty investigations should be given preferential attention and prompt handling in all instances.

TOM C. CLARK
Attorney General

JEH:[illegible]:mdy

[illegible]

Honorable Philip Young
Chairman
Civil Service Commission
Washington 25, D.C.

Dear Mr. Young:

As you know, subsection (d) of section 8 of Executive Order No. 10450 requires that there be referred promptly to the Federal Bureau of Investigation all investigations conducted by all agencies under the order which develop information of the type described in the subsection. The subsection further requires the FBI to make a full field investigation in cases so referred to it. However, except as indicated below, the FBI is not equipped to conduct investigations outside this country. In view of this limitation on its investigative facilities, an arrangement was worked out in connection with administration of Executive Order No. 9835 with respect to investigations in foreign areas. It is suggested that the procedures be continued in connection with investigations to be carried out by the FBI under Executive Order No. 10450. These are as follows:

(1) The FBI will conduct all necessary investigations in the continental United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

(2) The Departments of the Army, the Navy, and the Air Force will each use its own facilities to conduct investigations in connection with its own civilian personnel outside the areas listed in (1) above.

(3) With respect to the investigation of civilian personnel, other than personnel of departments named in (2), above:

(a) The Theatre Commander or Post Commanding Officer will utilize any appropriate investigative

facilities of the United States available to him in an occupied area or in areas under military investigative jurisdiction;

(b) In other areas the Department of State will utilize any investigative authority of the United States available in the country concerned. If no competent investigative facilities are available in that country the investigative facilities of the United States in a nearby country will be utilized by the Department of State.

To repeat, the foregoing represents the arrangement between agencies with respect to investigations abroad worked out in the administration of Executive Order No. 9835, and accordingly the procedures outlined will merely involve continuing present practices. In the absence of any indication of disagreement with the practices outlined above, this Department will conduct itself on the theory that they remain in effect.

Sincerely,

WILLIAM P. ROGERS

Deputy Attorney General

Identical letters to:

Honorable John Foster Dulles,
Secretary of State

Honorable Charles E. Wilson,
Secretary of Defense

Mr. William P. Rogers April 14, 1953
Deputy Attorney General

Director, FBI

EXECUTIVE ORDER PROVIDING SECURITY
REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Pursuant to your requests, memoranda dated February 4, 1953, February 26, 1953, April 6, 1953, and April 10, 1953, have been submitted to you containing observations regarding proposed drafts of the above Executive Order. Pursuant to the request of Mr. Edward S. Lazowska of the Department, who delivered a copy of a new draft of this proposed Order on the evening of April 13, 1953, the following observations are set forth for your information and consideration:

In connection with the provision in paragraph 3 (a) which allows the Civil Service Commission, in certain cases, to authorize less than the minimum amount of investigation stated in this paragraph but which meets the requirements of the national security, it is felt the Civil Service Commission must exercise extreme care to insure that any investigation authorized, particularly with respect to individuals who may have access to confidential information, does, in fact, meet the requirements of the national security.

In connection with Section 4 of the draft, your attention is invited to my previous observation that this Bureau feels it should conduct the additional investigation that may be appropriate only in those cases in which the purpose of the additional investigation is to develop information of a loyalty or subversive nature. In this connection it is observed that the provisions of Sections 8 (b) and 8 (d) may be intended to accomplish this purpose; however, it is suggested that you may desire to have the Order state more clearly regarding what agencies have the responsibilities to conduct the additional investigation requested in Section 4.

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In connection with Section 5 of the draft, the thought occurs that its provisions as to what agency is required to conduct "such investigation as may be appropriate" may not be entirely clear. It is believed that the intent of this section is to provide that upon receipt by an agency of information necessitating investigation

by the Civil Service Commission or the employing agency, such information should be forwarded to the Civil Service Commission or the employing agency; that upon the receipt of information necessitating investigation by this Bureau, such information should be forwarded to this Bureau for a full field investigation. You may wish to give consideration to possible further clarification of this section.

Regarding the phrase "following such investigation and review as he deems necessary" set forth in Section 6, it is believed that "as he deems necessary" refers to the word "review." If, however, it might also refer to the word "investigation," the thought occurs that it might be in conflict with other provisions in the draft which prescribe that in certain instances full field investigations must be conducted.

In connection with Section 8 (5) it is noted that this section does not specifically provide for sympathetic association with individual members of the organizations referred to in this section. In this connection, you will recall that the attachment to my memorandum of April 1[illegible] 1953, set forth observations of the Interdepartmental Intelligence Conference regarding the draft, one of which concerned a suggestion along this line.

It is observed that Section 14 (a) authorizes the National Security Council to designate representatives of other Departments and agencies to furnish advice and to collaborate with the Civil Service Commission in connection with the Commission's study of the manner in which the Order is implemented. We would appreciate any information regarding the extent representatives of this Bureau might be expected to render advice and collaborate with the Civil Service Commission.

It would be appreciated if you could furnish the advice requested in my memorandum of February 26, 1953, regarding your desires as to this Bureau following the policy of channeling its investigative reports through the Civil Service Commission to the departments and agencies concerned.

It is noted that my previous memoranda raised the point as to what effect the abolishing of the Loyalty Review Board might have on Executive Order 10422. For your information, funds have been

appropriated for the implementation of Executive Order 10422 and this Bureau is proceeding with investigations under this Order and submitting reports to the Civil Service Commission for appropriate adjudication.

Regarding what agencies will have investigative responsibilities abroad under this Order, as mentioned in my previous memoranda, you may wish to give consideration to, if possible, continuing the arrangements which have been perfected under Executive Order 9835.

My memorandum of April 6, 1953, commented regarding paragraph 8 (b) (4) of the draft received April 2, 1953. It was stated that it was felt investigations regarding individuals who might be subjected to coercion, influence or pressure because of the presence of a close relative in a nation whose interests may be inimical to the interests of the United States which develop a subversive aspect should be done by this Bureau rather than the Civil Service Commission or the employing agency. It is observed that Section 8 (d) of the draft received April 13, 1953, requires this Bureau to conduct all investigations which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security. It is suggested you might desire to clarify this provision further to specifically provide that investigations under this category will be conducted by this Bureau only where there is information indicating a question of loyalty or subversive activity.

As previously mentioned, it will be necessary that the rules and regulations to be issued in connection with the implementation of this Order, such as those governing the establishing and operation of hearing boards, be as complete as possible in order to maintain uniformity.

It will, of course, be necessary for this Bureau to receive sufficient funds in order to discharge its responsibilities under this Order.

Deputy Attorney General
William P. Rogers

May 1, 1953

Director, FBI

EXECUTIVE ORDER 10450
SECURITY REQUIREMENTS FOR
GOVERNMENT EMPLOYMENT

In connection with the implementation of Executive Order 10450, the following suggestions, which were previously furnished to you in connection with the drafts of the Order, are being set forth for your consideration for inclusion in the Security Regulations drawn up in connection with this Order:

There should be no abuse of the privilege granted to fill sensitive positions in emergency cases prior to the completion of full field pre-appointment investigations.

In order that there be no misunderstanding, it might be well to specify in the regulations that the Order covers only the Executive Branch of the Government.

It is the understanding of this Bureau that the Civil Service Commission maintains a register of persons eligible for Government employment. In connection with this register, under Executive Order 9835 these names have been processed in a manner similar to those of employees, and the adjudication made by the Civil Service Commission. Section 11 of the Order states that cases being heard by regional loyalty boards on the effective date of this Order in which no specific department or agency is involved shall be dismissed without prejudice to the applicant. This section, unless clarified in the regulations, may affect the Civil Service Commission's register of eligibles.

Information should be included advising what agencies have investigative responsibility abroad in connection with this Order. You may desire to continue the arrangements perfected under Executive Order 9835 regarding this matter.

There may be some question as to what agencies have investigative responsibilities in connection with the additional investigation that may be necessary in the readjudication of

full field investigations under Executive Order 9835, as called for in Section 4 of the Order. As you were previously advised, this Bureau feels it should conduct such investigations only when the purpose is to develop information of a nature described in Section 8(d) of the Order. Unless specific information to this effect is included in the regulations, it can be anticipated that this Bureau will receive a large number of requests for investigations solely for the purpose of bringing the investigation up to date, or to develop some information of a nonsubversive nature.

Under Executive Order 9835, this Bureau, through agreement with the Civil Service Commission, followed the policy of sending all its reports to the Civil Service Commission for dissemination to the appropriate departments and agencies. As you know, the current Order requires that the Civil Service Commission maintain a security-investigations index, which is to include the index maintained by the Civil Service Commission in conjunction with Executive Order 9835. This Bureau believes the policy previously followed of sending these reports to the Civil Service Commission should be continued.

It will be necessary that a standard form containing sufficient identifying data be utilized in checking individuals' names through this Bureau's files and in connection with investigations conducted under this Order.

With reference to per-diem, intermittent, temporary, etc., employees, the Civil Service Commission should utilize extreme care in permitting, at the request of a department or agency head, less than the minimum investigation required in other cases.

Regarding Section 5 of the Order, this Bureau, on receipt of information of a nature necessitating investigation by it, contemplates following the policy of immediately initiating the investigation rather than awaiting a request for such an investigation by the department or agency concerned. The agency head, however, will be notified that information of a nature requiring investigation by this Bureau has been received and an investigation is being conducted and that upon request he will be furnished with the basis for the investigation. If it is felt that such a policy is in conflict with the provisions of the Order, it would be appreciated if consideration

could be given to clarifying this in the regulations.

9 Apart from the above suggestions regarding the security regulations, it is noted that the abolition of the Civil Service Commission's regional loyalty boards and the Loyalty Review Board will affect the adjudication procedure required by Executive Order 10422. This is being called to your attention so that the necessary action may be taken to insure that there is no undue delay in connection with the adjudication of cases being investigated under Executive Order 10422.

10 Your attention is called to Section 9(k) of the Sample Security Regulations dated April 23, 1953. As you will observe, this section concerns the determinations made by hearing boards, and in part states: "One copy of the decision of the board, together with the complete record of the case, including investigative reports, shall be sent to the (head of department or agency) and one copy shall be sent to the employee." This Bureau is strongly opposed to making copies of its reports, in whole or in part, available to individuals investigated under this Order, and considers it absolutely necessary that its reports be maintained in confidence. Of course, this Bureau does not object to the employee's being advised, insofar as security considerations permit, of that information in the reports which is considered necessary in connection with the charges against the employee.

As you will observe, under Section 9(k) the employee could be furnished a copy of the complete record of the case. Such record might include confidential information in the possession of the board which security considerations do not permit making available to the employee. In this connection, it is noted that Section 5(a)(3) of the regulations states: "The decision of the hearing board shall be in writing and shall be signed by all members of the board. One copy of the decision shall be sent to the (head of department or agency) and one copy shall be sent to the suspended employee."

In addition, it is noted that the above provisions of Section 9(k) are contradictory to the provisions of Section 9(c) of the Order proper, which states that reports and other

investigative material and information are to be maintained in confidence and no access given thereto, except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority of the act of August 26, 1950.

It is strongly urged that you amend the provisions in Section 9(k) of the Sample Security Regulations, because, unless such is done, some departments and agencies may furnish to the employee a copy of the complete record of the case, which would include this Bureau's investigative reports.

Your attention is called to Section 4(b) of the regulations setting forth provisions covering the scope of the investigation to be conducted. The provisions, as set forth, do not include a check of the fingerprint files of this Bureau. As Section 3(a) of the Order, itself, calls for a check of such files, it is suggested you may wish to include this also in the regulations.

Mr. William P. Rogers
Deputy Attorney General

May 14, 1953

Director, FBI

EXECUTIVE ORDER 10450
SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

Reference is made to this Bureau's memoranda dated February 6 and 26, 1953; April 6, 10, and 14, 1953, and May 1, 1953, regarding the captioned Executive Order.

Your immediate advice as to what agencies have the responsibility of conducting investigations abroad under this Order will be appreciated. It can be anticipated that this problem will immediately present itself upon the effective date of the Order. For example, this Bureau may receive a request to conduct a full field investigation regarding an employee who in the past has spent considerable time in foreign countries. Upon the receipt of such a request, it will be necessary to know to what agency a request to conduct the investigation abroad should be directed. As previously suggested, you may wish to continue the arrangements perfected for handling this problem under Executive Order 9835. For your information, these arrangements are set forth in a memorandum dated April 7, 1948, from the Attorney General to the heads of all departments and independent agencies of the Executive Branch of the Government. The thought occurs that you may desire to issue similar advice to all departments and agencies in connection with Executive Order 10450. (~~66-6200-121-290 & Part I, Section 2, Serial~~ 87 ~~of the Loyalty Policy File~~)

Another matter that may cause some difficulty after Executive Order 10450 becomes effective is the question of what agencies have investigative responsibility with respect to the conduct of the further investigation that may be considered appropriate in connection with the re-adjudication of cases of those employees concerning whom a full field investigation was conducted under Executive Order 9835; however, their cases have not heretofore been adjudicated under a security standard commensurate with that established under Executive Order 10450. As previously stated, this Bureau feels it should conduct such investigations only when the purpose is to develop information of a nature described in Section 8 (a) of the Order. It would be appreciated if you would advise whether you are in agreement

with this. Should you agree with this policy, you may wish to so advise the heads of all departments and agencies as unless such is done, this Bureau may receive a large number of requests for investigations solely for the purpose of bringing the previous investigations up to date or to develop some allegation of a nonsubversive nature.

Your attention is invited to my memorandum of May 1, 1953, wherein I urged that the provisions in Section 9 (k) of the "Sample Security Regulations" be amended to preclude the possibility of any department or agency furnishing a copy of this Bureau's reports to the individuals investigated under the Order. It is believed this should be done prior to the effective date of Executive Order 10450, and I would appreciate being advised of what action is contemplated in this regard. It is observed that in connection with Executive Order 9835 the Attorney General under date of December 11, 1947, directed a confidential memorandum to all department and agency heads of the Executive Branch of the Government wherein he included information regarding the use of this Bureau's reports under Executive Order 9835. The Attorney General's memorandum stated, "The information appearing in Federal Bureau of Investigation reports is available for the consideration of the employing agency in preparing charges against the employee and for appropriate use by the hearing boards. The Federal Bureau of Investigation is opposed to making copies of its reports, in whole or in part, available to individuals as such, and particularly to persons investigated under the Program." Part III, Section 1, Serial 31, of Loyalty Policy file)

It was noted in previous memoranda to you that this Bureau under Executive Order 9835, through agreement with the Civil Service Commission, followed the policy of sending all its reports to the Civil Service Commission for dissemination to the appropriate departments and agencies. It was suggested that as Executive Order 10450 requires the Civil Service Commission to maintain a security-investigations index regarding persons investigated under the Order, the policy of this Bureau sending all its reports to the Civil Service Commission be continued. Unless advice to the contrary is received from you, this Bureau contemplates following this policy.

The "Sample Security Regulations" prepared by the Department contains information regarding the manner in which hearings are to be conducted by the Security Hearing Boards under Executive Order 10450. These regulations, however, do not state whether these hearings are to be opened or closed to the public. For your information, the Loyalty Review Board in connection with the matter of hearings held under Executive Order 9835, issued a directive to all departments and agencies advising that such hearings should be in private and attendance limited to representatives of the agency who are directly connected with the adjudication of the case, representatives of the Loyalty Review Board, and the employee or applicant concerned, his counsel or representative, and the witness who is testifying. You may wish to issue appropriate advice to all departments and agencies regarding who shall be permitted to be present during hearings held under Executive Order 10450.

It is also noted that the "Sample Security Regulations" state that the employee shall be permitted to cross-examine any witness offered in support of the charges against him. This raises the question as to whether Security Hearing Boards may be allowed, upon the request of a witness, to hear said witness in the absence of the employee or his counsel. In connection with this problem under Executive Order 9835, the Loyalty Review Board issued a directive to all Executive departments and agencies permitting Loyalty Hearing Boards to hear witnesses in the absence of the employee and his counsel if the witnesses so requested. In this regard, this Bureau under Executive Order 9835, at the request of Mr. Hiram Bingham, Chairman of the Loyalty Review Board, ascertains from individuals who permit their names to be used, who give pertinent information adverse to the employee and who do not expressly indicate an unwillingness to testify, their desires regarding the following questions:

1. Whether they will testify before a Loyalty Hearing Board in the presence of the individual under investigation and his counsel, which would subject them to cross-examination;

2. If not, whether they will testify before a Loyalty Hearing Board not in the presence of the individual under investigation and his counsel;

3. If they are unwilling to appear at a scheduled hearing or unable to be present, whether they are willing to have their statements read verbatim to the individual under investigation and his counsel;

4. If they do not appear, whether they are willing to have their names disclosed at the hearing.

This Bureau will continue the above policy under Executive Order 10450; however, should you determine that Security Hearing Boards may hear witnesses only in the presence of the employee and his counsel, it will be appreciated if you will immediately advise this Bureau so that all individuals interviewed who may later be requested to testify before a Security Hearing Board will clearly understand that such testimony must be in the presence of the employee and his counsel and they may be cross-examined by the employee or his counsel.

It can be anticipated that, in connection with some hearings held under Executive Order 10450, the hearing board may request agents of this Bureau to appear and testify. In this connection, this Bureau would appreciate it if the policy followed in this respect under Executive Order 9835 could be continued. This policy was set forth in a confidential memorandum from the Attorney General dated December 11, 1947, to all department and agency heads of the Executive Branch of the Government, which stated that Special Agents of this Bureau will testify before hearing boards where they are in a position to furnish competent evidence. They will not, however, participate otherwise in the proceedings nor will they be made available merely to interpret information appearing in their investigative reports. It is suggested you may wish to furnish such information to all departments and agencies of the Executive Branch of the Government.

Previous memoranda to you observed that as Executive Order 10450 is an Executive Order, it is assumed its coverage is limited to the Executive Branch of the Government. In this connection, the question may arise as to whether the General Accounting Office, the Government Printing Office, and the Library of Congress might be permitted to participate in the procedures effected under Executive Order 10450. You may recall that they have participated in the procedures of Executive Order 9835. You may therefore desire to ascertain from the General Accounting Office, the Government Printing Office, and the Library of Congress whether they wish to participate in the procedures prescribed by Executive Order 10450, and if they do desire to participate, determine whether the provisions of Executive Order 10450 authorize such participation. It would be appreciated if you would immediately advise this Bureau what action it should take if the names and fingerprints of such employees are submitted to this Bureau for checking through its

files or if requests for full field investigations are received concerning such employees prior to a final determination as to whether they are to participate in the procedures under Executive Order 10450.

It would be appreciated if you could furnish an early reply to the questions posed in this memorandum.

UNITED STATES CIVIL SERVICE COMMISSION

WASHINGTON 25, D. C.

May 18, 1953

DEPARTMENTAL CIRCULAR NO. 709

TO HEADS OF DEPARTMENTS AND INDEPENDENT ESTABLISHMENTS

SUBJECT: Designation of Officials to Whom Reports of Full Field Investigation Under Executive Order 10450 Should be Delivered

1. Forms requesting investigations under Executive Order 10450 should bear the address of the Personnel Security Officer to whom the reports of investigation should be sent. Forms for this purpose will be provided with a space for the address of the Personnel Security Officer.

2. Reports of investigation will be forwarded to the Personnel Security Officer except when a full field investigation is conducted by the Commission or by the Federal Bureau of Investigation. The Commission will deliver these reports of full field investigation to a designated official in the central office of your department or agency.

3. In order that the reports may be delivered properly, please furnish the Commission with the names and addresses of central-office officials of your department or agency to whom reports of full field investigation should be delivered. You should name one or more alternates to receive these reports in the absence of the first official. These names should be submitted to the Chief, Investigations Division, U. S. Civil Service Commission, Washington 25, D. C., within ten days of receipt of this letter.

4. Since some of the reports of full field investigation will contain security information, you should show with respect to each official designated the highest category of classified security information he has been cleared to receive.

5. Inquiries concerning this circular may be made by telephone to Code 171, extension 3111 or 3112.

By direction of the Commission:

C. L. Edwards

C. L. Edwards
Executive Director

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STANDARD FORM NO. 64

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. J. Edgar Hoover
Director, FBI

DATE: June 25, 1953

FROM : William P. Rogers,
Deputy Attorney General

SUBJECT: Executive Order 10450
Security Requirements for Government Employment

This is with reference to your memoranda of May 1 and May 14, 1953, relating to the administration of Executive Order 10450.

1. Your opinion that there should be no abuse of the privilege granted by section 3(b) of the order in filling sensitive positions in emergency cases prior to the completion of full field pre-appointment investigations is well taken. So, also, is your suggestion that the Civil Service Commission, in respect to section 3(a), should utilize extreme care in permitting less than the minimum investigation with respect to per diem, intermittent, temporary, or seasonable employees and aliens employed outside the United States.

2. I agree with your assumption that the coverage of the order is limited to the Executive Branch of the Government. However, I do not believe it will be necessary to make specific provision in the regulations to that effect. Inasmuch as they are to be issued separately by and in the name of each executive branch, department or agency, it will be made clear that they relate only to the administration of the particular department or agency concerned.

You also make reference to the fact that certain of the non-executive branch agencies, such as the General Accounting Office and the Government Printing Office, participated in the procedures prescribed by Executive Order 9835. I understand this resulted, not because that order was necessarily applicable to those agencies, but because they voluntarily adopted procedures similar to those prescribed by the order. Executive Order 10450 does not prevent them from adopting a similar policy in relation to it. The main question is whether the appropriations of the FBI are sufficient to pay for the investigations required by such agencies. I understand that the appropriations are sufficient with respect to some of the agencies whose employees are part of the classified civil service, such as the General Accounting Office, but not for others, such as the Library of Congress. In the past a system of reimbursement was worked out with respect to investigations for agencies not covered by existing appropriations. I would suggest that the Bureau

work out similar procedures with the Civil Service Commission and other interested agencies with respect to Executive Order 10450.

3. In reference to the problem of the responsibility of conducting investigations abroad, the Departments of State and Army were requested by letter dated June 5, 1953, to continue the same arrangement under Executive Order No. 10450 for investigations abroad as existed under Executive Order No. 9835. The letter stated that in the absence of any indication of disagreement with this plan, it would be assumed that the existing arrangement would remain in effect. To date no expressions of disagreement have come from either Department.

4. In respect to the re-adjudication question arising under section 4, I agree that the Bureau should conduct additional investigations only when their purpose is to develop information of the type described in section 8(d). However, I believe the Civil Service Commission, rather than this Department, should issue direct instructions to all departments and agencies as to proper procedures in connection with requests for investigation. I would accordingly recommend that you work out a plan with the Civil Service Commission to so advise the interested departments and agencies.

5. As you point out, the last sentence of section 9(k) of the sample security regulations is subject to possible interpretation requiring the employee to be given a copy of the investigative reports in connection with his case. In order to preclude this possibility, an appropriate amendment has been transmitted to all departments and agencies. Many of them have also been informally advised of the matter. In addition, since they are supposed to submit their regulations to this Department before issuance, proper precautions will be taken at that time.

6. I agree that your existing policy of sending all Bureau reports to the Commission for dissemination to the appropriate departments and agencies should be continued.

7. You note that the sample security regulations do not state whether the hearings are to be open or closed and that under Executive Order 9835 the Loyalty Review Board issued a directive to all departments and agencies requiring hearings under that order to be private. In accordance with your suggestion, an amendment to that effect has been transmitted to all executive departments and agencies.

8. You point out that the sample security regulations provide in section 9(c)(4) that each employee shall have the right "to cross-examine any witness offered in support of the charges", whereas under Executive Order 9835 the Loyalty Review Board issued

a directive permitting Loyalty Hearing Boards to hear witnesses in the absence of the employee and his counsel, if the witness so requested.

I understand the provision of section 9(c)(4) to be a deliberate policy judgment that witnesses, other than confidential informants, shall be subject to cross-examination. Accordingly, persons giving testimony will not have the choices set forth in your memorandum. I therefore suggest that you advise prospective witnesses that their testimony will have to be in the presence of the employee and his counsel and will be subject to cross-examination.

9. I consider the Bureau's policy of permitting Special Agents to testify at the hearings only "where they are in a position to furnish competent evidence," to be sound and suggest that you undertake through the Civil Service Commission to advise the agencies concerned that this policy will be continued.

10. Serious consideration has been given to your suggestion that dismissals without prejudice to applicants in cases before the Regional Loyalty Boards may effect the Civil Service Commission's register of eligibles. The Commission has already advised that it believes that, under the basic Civil Service Act, it can establish criteria with respect to the register of eligibles similar to those set out in the order. The Department has advised the Commission that the order does not preclude it from so acting under the authority of the Civil Service Act if it is satsified as to the existence of such authority.

11. I also go along with your view that it will be necessary that agencies use a standard form containing sufficient identifying data in checking individuals' names through the Bureau's files and in connection with investigations conducted under the Executive Order, and suggest that you work out a procedure for establishing such a form with the Civil Service Commission.

12. With relation to section 5 of the order you state that the Bureau, on receipt of information of a nature necessitating investigation by it, intends to follow the policy of immediately initiating the investigation rather than awaiting a request from the department or agency concerned, but notifying the head of the department or agency that information of a nature requiring investigation by the Bureau has been received and an investigation is being conducted. You also mention that upon request the interested agency will be furnished with the basis for the investigation. I do not believe this policy to be in conflict with any provision of the order and see no reason why you should not follow the policy you suggest.

13. You point out that section 3(a) of the order requires "a check of the fingerprint files of the Federal Bureau of Investigation", but that section 4(b) of the sample security regulations dealing with the same subject matter omits the quoted language. In accordance with your suggestion, an amendment to the regulations along the lines you suggest has been transmitted to all executive departments and agencies.

14. You note that the abolition of Regional Loyalty Boards and the Loyalty Review Board will affect procedures pursuant to Executive Order 10422 relating to United States citizens who are United Nations employees. As you suggested, amendments to cover this situation have been promulgated to all executive departments and agencies.

Date: July 2, 1953

To: Mr. James E. Hatcher
Chief, Investigations Division
U. S. Civil Service Commission
Washington 25, D. C.

From: John Edgar Hoover - Director, Federal Bureau of Investigation

Subject: EXECUTIVE ORDER 10450
SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT

With the inception of the captioned Executive Order it became evident to this Bureau that certain problems would arise which have been encountered in the past in this Bureau's operations under the provisions of Executive Order 9835. Several of these have been posed to the Department of Justice and the latter has now furnished this Bureau its advice regarding them.

One consideration is just what agencies in the Federal Government are to be included in the operations of Executive Order 10450. As your files will reflect, by letter dated August 21, 1947, the Honorable Arthur S. Flemming, then the Acting President of the Commission, furnished this Bureau a list of all such agencies to be included within the provisions of Executive Order 9835. Numbered among these were the General Accounting Office and the Government Printing Office, neither of which were agencies of the Executive Branch. The thought occurred as to whether these agencies are to be included under the new program and if so whether your estimates of cases to be handled for these agencies in the current and succeeding fiscal years which you have furnished this Bureau include the General Accounting Office and the Government Printing Office.

It is understood that the Commission considers employees of these agencies within the provisions of Executive Order 9835 since they are competitive employees as are the bulk of the...

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employees of several executive agencies. It would be appreciated if you would furnish this Bureau a list of the agencies to be included within the provisions of Executive Order 10450 at your earliest convenience. In addition, would you advise whether the General Accounting Office and the Government Printing Office and their employees will be considered as subject to the provisions of the captioned order. If such is the case we would appreciate your advice as to whether your estimate of the volume of work to be handled for these agencies was included in the budgetary estimates furnished this Bureau.

As you are aware, employees of the Library of Congress have been processed under Executive Order 9835 through agreement with officials of the Library and the results of name checks and investigations handled for the Library were compensated for on a reimbursable basis. Would you advise whether the agreement had with the Library of Congress for processing its employees under the old Loyalty Order has been renewed for Executive Order 10450. If such is the case is the Library of Congress agreeable to continue the procedure of reimbursement for each matter handled?

With regard to the question as to what agencies have investigative responsibilities in connection with the additional investigation that may be necessary in the readjudication of full field investigations conducted under Executive Order 9835 as called for in Section 4 of the captioned order, this Bureau feels it should conduct such investigations only when the purpose is to develop information of a nature described in Section 8(d) of this order. The Department of Justice advised that it concurs in this opinion and stated that it feels the Civil Service Commission should issue direct instructions to all departments and agencies as to the proper procedures to be followed in connection with requests for further investigation. It is felt that if such instructions are issued it will preclude the receipt of a large number of requests by the FBI for investigation solely to bring the previous investigation up to date or to develop some allegations of a nonsubversive nature. For your further information, the Department of Justice has advised that it agrees this Bureau should continue the procedure established under the Loyalty Order of channeling its investigative reports through the Civil Service Commission for dissemination to the appropriate departments or agencies.

Your attention is invited to the letter from Mr. Peter Campbell Brown, then the Acting Assistant to the Attorney General, to the Honorable Seth W. Richardson, then the Chairman of the Loyalty Review Board, dated May 5, 1949. Therein Mr. Brown requested Mr. Richardson to clarify Review Board instructions to the various departments and agencies to the effect that "Special Agents of the Federal Bureau of Investigation will testify before Hearing Boards where they are in a position to furnish competent evidence. They will not, however, participate otherwise in the proceedings or will they be made available merely to interpret information appearing in their investigative reports." This policy will continue to be the policy of this Bureau under Executive Order 10450 and it has been concurred in by the Department of Justice. The Department has further suggested that the Commission so advise the various departments and agencies that this policy will be continued.

These points are being called to your attention in order that you may furnish this Bureau the information requested above, as well as give consideration to the necessity for furnishing instructions as outlined above to the various agencies for their information and guidance in the operations of Executive Order 10450.

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July 16, 1953

Honorable J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington 25, D. C.

Dear Mr. Hoover:

Attached is a list of agencies in the Federal government which are to be included in the operations of Executive Order 10450. This information was requested by your letter of July 2, 1953, addressed to Mr. James E. Hatcher, Chief, Investigations Division.

The subject of investigations for the General Accounting Office, Government Printing Office, and Library of Congress is being covered in a separate letter.

The Commission will issue instructions to all departments and agencies as to the proper procedures to be followed in connection with requests for further investigation under Section 4 of Executive Order 10450. Instructions will also be issued regarding testimony by special agents of the Federal Bureau of Investigation before security hearing boards.

Very truly yours,

/s/ Joseph E. Winslow

Joseph E. Winslow
Acting Executive Director

Attachment

COPY

C O P Y

DEPARTMENTS AND AGENCIES INCLUDED IN THE OPERATIONS OF EXECUTIVE ORDER 10450

EXECUTIVE OFFICE OF THE PRESIDENT:

White House Office
Bureau of the Budget
Council of Economic Advisers
Executive Mansion and Grounds
National Security Council
National Security Resources Board
Office of Defense Mobilization
Office of the Director for Mutual Security
President's Advisory Committee on Government Organization

EXECUTIVE DEPARTMENTS:

State
Treasury
Department of Defense
- Office of the Secretary of Defense
- Department of the Army
- Department of the Navy
- Department of the Air Force

Justice
Post Office
Interior
Agriculture
Commerce
Labor
Health, Education and Welfare

INDEPENDENT AGENCIES:

American Battle Monuments Commission
Atomic Energy Commission
Board of Governors, Federal Reserve System
Canal Zone Government
Central Intelligence Agency
Civil Aeronautics Board
Civil Service Commission
- Federal Personnel Council

Committee on Government Contract Compliance
Committee on Retirement Policy for Federal Personnel

COPY

INDEPENDENT AGENCIES: (Continued)

Defense Materials Procurement Agency
Defense Transport Administration
Economic Stabilization Agency
Export-Import Bank
Federal Civil Defense Administration
Federal Coal Mine Safety Board of Review
Federal Communications Commission
Federal Deposit Insurance Corporation
Federal Mediation and Conciliation Service
Federal Power Commission
Federal Trade Commission
General Accounting Office
General Services Administration
Government Printing Office
Housing and Home Finance Agency
Indian Claims Commission
International Boundary and Water Commission
Interstate Commerce Commission
Mutual Security Agency
National Advisory Committee for Aeronautics
National Capital Housing Authority
National Capital Planning Commission
National Labor Relations Board
National Mediation Board
National Science Foundation
National Security Training Commission
Panama Canal Company
Railroad Retirement Board
Reconstruction Finance Corporation
Renegotiation Board
Securities and Exchange Commission
Selective Service System
Small Defense Plants Administration
Smithsonian Institution
    National Gallery of Art
Soldiers Home
Subversive Activities Control Board
Tariff Commission
Tax Court of the United States
Tennessee Valley Authority
Veterans Administration
War Claims Commission

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON 25, D. C.

ADDRESS ONLY "CIVIL SERVICE COMMISSION" IN YOUR REPLY REFER TO FILE AND DATE OF THIS LETTER

July 21, 1953

Honorable J. Edgar Hoover
Director, Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

You will recall that several agencies of the Legislative Branch of the Government participated in the loyalty program prescribed in Executive Order 9835. These same agencies have made requests of the Commission that they be permitted to participate in a similar manner under the program prescribed in Executive Order 10450. By letter dated June 29, 1953, the Deputy Attorney General advised the Commission that if these agencies are of the view that they can adopt procedures which would make it possible for them to participate in the program by virtue of authority conferred under the acts under which they operate, it would be entirely appropriate for them to participate in the program on a voluntary basis. It was suggested in this letter that the Commission work out with your Bureau the question relating to reimbursement by the agencies involved.

Because of the above opinion I have attached for your consideration proposed undated drafts of letters to the Librarian of Congress, The Public Printer, and the Director of Personnel of the General Accounting Office advising that subject to their meeting the above conditions they may participate in this program. The budget estimates of the Commission for some time have included work items which would result from making national agency checks and inquiries and limited personal investigations, when necessary, for the Government Printing Office and the General Accounting Office. It is our understanding that this is true with respect to the budget estimates of your Bureau insofar as they pertain to searching fingerprint records and Standard Forms 87 for employees of these agencies and making full field investigations when necessary under Section 8(d) of Executive Order 10450. For this reason no feature of reimbursement has been mentioned in our proposed letters to these agencies.

The Commission is willing to conduct for the Library of Congress on a reimbursable basis activities which it would perform for an agency in the Executive Branch under Executive Order 10450. I have taken the liberty of including in the draft to the Librarian of Congress the basis for reimbursing your Bureau for its part in this program. This was done for

discussion purposes. It is not the Commission's intent to imply commitments on the part of the FBI.

After your review I would appreciate your returning the enclosures to me together with any comments or suggestions you may wish to make.

Sincerely yours,

Jos. E. Winslow

Joseph E. Winslow
Acting Executive Director

Enclosure 28952

UNITED STATES CIVIL SERVICE COMMISSION
WASHINGTON, D.C. 20415

IN REPLY PLEASE REFER TO

YOUR REFERENCE

December 2, 1965

Honorable Nicholas deB. Katzenbach
Attorney General
Washington, D.C. 20530

OFFICE OF THE ATTORNEY GENERAL
RECEIVED
DEC 3 1965

Dear Mr. Attorney General:

The President has directed the Civil Service Commission, after consulting with the major users of personnel investigations, to formulate and issue minimum standards of acceptable investigative coverage for Federal civilian employment.

I should appreciate your comments and suggestions relative to the following proposed minimum standards for acceptable full field coverage:

Scope of Full Field Investigations

Full field investigations on Federal employees and applicants are personally conducted investigations which cover the life of the individual with special emphasis on the person's background and activities during the most recent fifteen years, or since his eighteenth birthday, whichever is the shorter period. In addition, a thorough personal investigation is made of any materially derogatory matters developed, requiring investigation before the fifteen-year period.

The basic elements of investigation are:

- a national agency check, as described on page 736-3 of the Federal Personnel Manual.
- personal interviews with present and former employers, supervisors, fellow workers, references, neighbors, school authorities, and other associates.
- checks of police, credit, [illegible] field office and other pertinent records as appropriate, such as Immigration and Naturalization, Passport Division of the State Department, vital statistics, military service, and the like.

[illegible] 1965
R.A.C.
INTERNAL SECURITY
Criminal Section

INDEXED

THE MERIT SYSTEM—A GOOD INVESTMENT IN GOOD GOVERNMENT

ENCLOSURE

Personal interviews are scheduled with employers, supervisors, and work associates to verify and obtain pertinent details for all employments in the investigative period. Particular care is taken also to verify the fact of unemployment or self-employment claimed by the subject of investigation.

The last period of education at a college level is always verified by a check of the school records. Secondary education is investigated when the subject is young and has had no subsequent schooling. Personal interviews are conducted with witnesses such as professors and former students who were associated with the subject during recent schooling.

Neighborhood investigation is regularly conducted to cover residence during the most recent three years. Testimony of neighbors before that period may be sought to verify periods of unemployment or self-employment, or to resolve questionable matters which have been raised from other sources.

The number of witnesses interviewed cannot be reduced to a formula but in each case depends upon the diversity of the subject's experience and places of residence, as well as upon the depth of knowledge shown by witnesses concerning the subject's character, habits, and background. The objective of the investigation is to obtain a comprehensive and well-rounded picture of the individual's background and activities.

Matters Covered in Full Field Investigations

Basically, full field investigations are designed to develop sufficient information to enable agency security officials to determine the fitness of persons entering critical-sensitive positions. Fitness includes both security and suitability elements.

Character, habits, morals, and reputation are investigated generally. Loyalty is particularly stressed and if a question is raised concerning the subject's loyalty the case is referred to the Federal Bureau of Investigation in accordance with Section 8 (d) of Executive Order 10450. Particular attention is directed to such matters as immorality, habitual use of intoxicants to excess, lack of integrity, dismissals from employment, arrests, financial responsibility, and health.

The affirmative qualities and qualifications of the subject are fully reported.

Over and above the minimum standards, the full field investigation may be tailored to obtain information in depth concerning special attributes and qualifications required for proper performance in the particular kind of position involved.

To facilitate early completion of this study, I should like to receive your comments by December 31, 1965. Mr. Kimbell Johnson, Director, Bureau of Personnel Investigations, is available to discuss any aspect of the proposed standards with members of your staff. He may be reached on Code 183, Extension 7205.

Sincerely yours,

John W. Macy Jr.

John W. Macy, Jr.
Chairman

Mr. J. Walter Yeagley
Assistant Attorney General

December 15, 1965

Director, FBI

SCOPE OF FULL FIELD INVESTIGATIONS

Reference is made to your letter of December 9, 1965, forwarding a copy of Chairman Macy's letter of December 2, 1965, concerning minimum standards for acceptable full field coverage.

As you are aware, this Bureau conducts our own personnel investigations. The scope of these and other full field investigations conducted by this Bureau under various programs, such as the Federal Employee Security Program and the United Nations Loyalty Program, exceeds the minimum standards set forth in Chairman Macy's letter. The letter of December 2, 1965, does not change the investigative responsibilities of this Bureau.

In view of the above, this Bureau has no comments to make concerning the proposed minimum standards of acceptable investigative coverage for Federal civilian employment. This Bureau took a similar position in connection with this matter in a letter to Mr. Kimball Johnson dated April 22, 1959.

The Attorney General March 20, 1973

Acting Director, FBI

EXECUTIVE ORDERS 9835,
10450, AND 11605

Executive Order 9835, Part III, paragraph 3, provided that the Attorney General "after appropriate investigation and determination" would furnish to the Loyalty Review Board the name of each foreign or domestic organization which the Attorney General had designated "as totalitarian, fascist, communist or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means."

Executive Order 10450, Section 12, revoked Executive Order 9835, as amended; however, it provided that the Department of Justice "shall continue to furnish the information described in paragraph 3 of Part III" of Executive Order 9835, "but directly to the head of each department or agency."

Executive Order 11605, paragraph 2, amended Section 12 of Executive Order 10450 by, among other provisions, providing that "the head of each department and agency shall be furnished by the Attorney General with the name of each organization which shall be or has been heretofore designated under this order" and that "nothing. . . herein shall. . . affect previous designations made pursuant to Executive Order 10450, as amended." (Subparagraph (b)) Executive Order 11605 further provided that "the Subversive Activities Control Board shall, upon petition of the Attorney General, conduct appropriate hearings to determine whether any organization is totalitarian, fascist, communist, subversive, or whether it has adopted a policy of unlawfully advocating the commission of acts of force or violence to deny others their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the government of the United States or any State or subdivision thereof by unlawful means." (Subparagraph (c))

JFM:glw
(10)

SEE NOTE PAGE 2

To date, Congress has refused to appropriate funds for the operation of the Subversive Activities Control Board (SACB).

During a current study of FBI jurisdiction by this Bureau, the questions have arisen: has the authority to designate organizations been taken from the Attorney General and given to the SACB by Executive Order 11605, or is this authority concurrent; and at this time, what are the responsibilities and authority of the FBI under Executive Order 10450, as amended, and Executive Order 11605?

Would you please provide me with a statement of the Department's current position on these questions.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Internal Security Division

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

Memorandum

TO : L. Patrick Gray
Acting Director
Federal Bureau of Investigation

DATE: April 3, 1973

FROM : Henry E. Petersen
Assistant Attorney General
Criminal Division

SUBJECT: Executive Orders 9835, 10450, and 11605

This is in reference to your memorandum dated March 20, 1973 in which you requested to be advised regarding the Department's position relating to the above executive orders.

In the event the Subversive Activities Control Board ceases to function after July 1, 1973, the designation program as authorized by E. O. 10450, as amended, will continue to remain in effect. The Board's demise will, however, eliminate it as the body which at this time has the exclusive authority to conduct, upon petition of the Attorney General, the evidentiary hearings and make the determinations as to whether an organization should be designated within the criteria and standards specified by E. O. 10450, as amended by E. O. 11605.

The question of revising E. O. 10450 to overcome any deficiency which arises as a result of the demise of the Board is currently under study in the Department. There is also legislation pending to afford Congressional approval to E. O. 11605. Until such time as these matters are resolved, it is requested that the Bureau continue to conduct the investigations which it has carried out under E. O. 10450 which is, of course, still in effect.

May 8, 1974

Deputy Assistant Attorney General
Criminal Division

Director, FBI

EXECUTIVE ORDER 10450

Executive Order (EO) 10450 is currently being amended by the Department and representatives of this Bureau have participated in a task force headed by Mr. Oran Waterman, Director, Department Security Staff, which is recommending certain changes be made in EO 10450.

During the course of discussions within the task force, it was pointed out to Mr. Waterman the Bureau's authority to conduct investigations in the domestic subversion field has come under considerable scrutiny. The Bureau is now conducting investigations of domestic subversion on the basis of existing Federal statutes. This investigative policy may not adequately meet the needs of an effective security of Government employees program under EO 10450.

The Assistant Attorney General, Office of Legal Counsel, previously solicited our views on abolition of the Attorney General's List. In our response captioned "Abolition of the Attorney General's List," dated April 11, 1974, our comments included advice that under our current statutory basis for domestic subversion investigations may not adequately meet the needs of EO 10450 and the observation the FBI has never received specific instructions from the Attorney General to conduct intelligence-type investigations to identify and determine the activities of organizations described in Section 8 (a) (5) of EO 10450. We also requested to be advised as to the instructions of the Attorney General relating to the FBI conducting intelligence-type investigations under EO 10450, as well as the scope and parameters within which such investigations should be conducted.

Deputy Assistant Attorney General
Criminal Division

Our current practice of conducting subversive-type investigations based on Federal statutes may tend to restrict our intelligence gathering concerning organizations, associations, movements, groups and combinations of persons as defined in Section 8 (a) (5) of EO 10450. In responding to our above-referred-to memorandum of April 11, 1974, it is recommended the Attorney General consider issuance of some form of Departmental instructions or order establishing firm guidelines for intelligence-type investigations which would define our authority in this regard. It is believed this would put the FBI on a firm foundation to conduct intelligence-type investigations involving groups defined in Section 8 (a) (5) to adequately support EO 10450. We have previously recommended that the Department seek a comprehensive Executive Order, and furnished suggested language, which would provide a firm basis for FBI intelligence-type investigations in the security field. This recommendation is still under study by the Department.

We would be glad to meet with representatives of the Department to discuss this matter in more detail.

1 - Director
Department Security Staff

Deputy Assistant Attorney General
Criminal Division

August 19, 1974

Director, FBI

FEDERAL EMPLOYEE SECURITY PROGRAM
EXECUTIVE ORDER 10450

Since the issuance of Executive Order 11785 on June 4, 1974, abolishing the Attorney General's list of designated organizations, one of the standards used by the FBI in initiating investigations of individuals pursuant to Executive Order 10450 has been eliminated. This is true with regard to investigations under captioned matter of individuals which may be initiated by the FBI based on information contained in our files as well as in evaluating requests for investigations of individuals received from other agencies and departments pursuant to Section 8(d) of Executive Order 10450.

In this connection it is noted that the Criminal Division of the Department in its letter of July 11, 1974, advised that continued investigation by the FBI of the Nation of Islam is warranted because, among other things, "its reported activities appear to come within the criteria of Executive Order 10450."

In view of the issuance of Executive Order 11785, it will be appreciated if you will furnish guidelines to be used by the FBI in initiating investigations of individuals under captioned matter pursuant to Executive Order 10450 and specifically criteria to be utilized in determining whether available information is sufficient basis for an investigation.

1 - Director
Department Security Staff

UNITED STATES GOVERNMENT DEPARTMENT OF JUSTICE

Memorandum

TO : Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: AUG 23 1974

FROM : Glen E. Pommerening
Assistant Attorney General
for Administration

SUBJECT: Federal Employee Security Program
Executive Order 10450

The practice as set forth in your subject memorandum of August 14, 1974, for furnishing to the Office of Management and Finance copies of investigative reports satisfies the needs of the Department.

Assistant Attorney General
for Administration

August 14, 1974

Director, FBI

FEDERAL EMPLOYEE SECURITY PROGRAM
EXECUTIVE ORDER 10450

This will confirm the request on August 6, 1974, of Mr. Oran H. Waterman, Director, Department Security Staff, advising he was acting on a request from your office, that copies of reports containing the results of investigations of individuals conducted under captioned matter pursuant to the provisions of Executive Order 10450 be furnished, where pertinent, to his office directly rather than through your office. This procedure was instituted on August 6, 1974. After review by the Department Security Staff it is understood that the reports are forwarded to the Criminal Division.

As in the past, these reports are furnished to the Department in order that consideration may be given as to whether any Federal laws have been violated and for information concerning possible subversive infiltration into the Executive Branch of the Government.

With regard to a determination as to whether any Federal laws have been violated, it is noted the violations generally involve Title 18, U. S. Code, Section 1001, and a response is received from the Criminal Division.

Information concerning subversive infiltration into the Executive Branch of the Government is furnished for the Department's assistance in discharging its responsibilities under Section 13 of Executive Order 10450 which reads: "The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee security program."

It will be appreciated if you will advise if the practice set forth above is responsive to the needs of the Department.

MAILED 20
AUG 14 1974

OPTIONAL FORM NO. 10
JULY 1973 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Clarence M. Kelley
Director
Federal Bureau of Investigation

DATE: NOV 1 1974

FROM : Glen E. Pommerening
Assistant Attorney General
for Administration

SUBJECT: Federal Employee Security Program
Executive Order 10450

This is in response to your memoranda, entitled as above, dated May 8, 1974 and August 19, 1974, directed to the Deputy Attorney General, Criminal Division, and referring to problems which have arisen as a result of the promulgation of Executive Order 11785 which amends Executive Order 10450. In view of the involvement of my staff in these matters, I will undertake to answer your questions with the concurrence of the Criminal Division.

As you know this matter has been under continuing review both in the Task Force, chaired by a representative of this office, of working level representatives of various agencies in the security field and is now under study to a lesser degree in Project #10 of the "Domestic Council on Privacy".

You ask that the Department; (a) provide specific instructions to the Bureau to conduct intelligence-type investigations to identify and determine the activities of organizations now described in the amended Section 8(a)(5) of Executive Order 10450; (b) furnish guidelines to be used by the Bureau in initiating investigations of individuals under the captioned matter pursuant to Executive Order 10450 and specifically, criteria to be utilized in determining whether available information is a sufficient basis for investigation.

Under the amendment to Section 8(a)(5) of Executive Order 10450, we now have only two types of organizations; (1) those which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the constitution or laws of the United States or

any State, (2) or which seek to overthrow the Government of the United States, or any State or subdivision thereof, by unlawful means. (Emphasis added).

Of course, the key words which are underlined indicate that the investigation should be initially based on a possible violation of a federal (such as the Smith Act) or state statute prohibiting unlawful advocacy or the commission of any unlawful act of force or violence. However, in order for the Bureau to detect organizations with a potential of the above nature, it is important that the investigation proceed on the basis of information indicating that the organization may be of the nature mentioned. It is not necessary that a crime occur before the investigation is initiated, but only that a reasonable evaluation of the available information suggests that the activities of the organization may fall within the proscription of the Order. The most recent example of the type of organization, that you have advised is becoming more prevalent, is the small but dedicated to violence, Symbionese Liberation Army (SLA). Organizations of this nature would clearly fall within the Order and should be investigated as soon as information is available indicating their potentiality for violence and of course, if possible, prior to the fulfillment of their purposes.

It is true that Executive Order 11785 eliminated the prior communist, totalitarian, fascist, and subversive characterizations and definitions, but there was no intention of restricting the investigations of such organizations if their programs call for acts of force or violence or the unlawful advocacy of the commission of acts of force or violence in furtherance of these programs.

It is not possible to set definite parameters covering the initiation of investigations of potential organizations falling within the Order but once the investigation reaches a stage that offers a basis for determining that the activities are legal in nature, then the investigation should cease, but if the investigation suggests a determination that the organization is engaged in illegal activities or potentially illegal activities it should continue.

It follows in answer to your second question that individuals who are active either as members of or as affiliates of

organizations described above should be investigated when information is received indicating their involvement. The same yardstick indicated above for organizations in determining whether the investigation should continue, should apply concerning individuals and when a determination can reasonably be made that the individuals activities, either within the organization or as an individual, do not appear to be in violation of any law, then the investigation should cease.

December 11, 1974

Assistant Attorney General
for Administration

Director, FBI

FEDERAL EMPLOYEE SECURITY PROGRAM
EXECUTIVE ORDER 10450

Reference is made to your memorandum dated November 1, 1974, in answer to our previous inquiries requesting advice concerning the effect of Executive Order (EO) 11785 on our investigations of organizations and individuals engaged in subversive activities.

While referenced memorandum advises we should use the same yardstick for investigation of subversive organizations and subversive individuals, the comments following that advice, concerning individuals, are believed subject to interpretation as being more restrictive in scope. Specifically, concerning organizations, you essentially advised that when investigation determines the activities are legal in nature, then the investigation should cease, but if the activities are illegal or potentially illegal, the investigation should continue. Concerning individuals, the memorandum advises essentially that the same yardstick be used but adds when the activities do not appear to be in violation of any law, then the investigation should cease.

Further, the tenor of your memorandum, particularly comments contained in page two, paragraph one, follow the concept of investigative scope consistent with the advice as to investigation of subversive organizations but does appear to conflict with the latter comments concerning investigation of individuals where the phrase "not in violation of any law" is used. We would appreciate clarification concerning this matter.

CWT/RHE:djr
(7)

SEE NOTE PAGE THREE

Assistant Attorney General
for Administration

Your memorandum of November 1, 1974, in part, responded to this Bureau's memorandum of August 19, 1974, which asked for guidelines to be used by the FBI in initiating investigations of applicants and employees in the Executive Branch of the Government pursuant to Section 8(d) of EO 10450. This Section specifically instructs other agencies to promptly refer to the FBI for investigation those cases which develop information indicating that an individual may have been subjected to coercion, influence or pressure to act contrary to the interests of the national security, or information relating to any of the other matters described therein.

Since the guidelines furnished by you are concerned primarily with possible violation of law, a decision to be made by the Department, it will be appreciated if you will furnish additional guidelines to cover "sympathetic association" and other standards mentioned in Section 8(a) (2) through (8) when the investigation concerns an applicant or employee in the Executive Branch of the Government.

In considering the foregoing, it should be noted the FBI has another responsibility under EO 10450 which is set forth in Section 5. This Section provides that whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative.

Your attention is also invited to Chapter 736 of the Federal Personnel Manual, which instructs agencies to promptly refer to the FBI for investigation cases "which develop information indicating that a person may have been subject to coercion, influence or pressure to act contrary to the interests of the national security, or information on possible disloyalty to the United States."

Assistant Attorney General
for Administration

Chapter 732 of the Federal Personnel Manual instructs that before an agency issues a letter of charges under EO 10450, the Department of Justice shall be consulted to assure that the rights of the employees are fully considered. Section 13 of EO 10450 requests the Attorney General to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee security program.

Available information indicates that difficulties of proof imposed by the courts in loyalty and security cases have proved almost insurmountable and as a result no removals or other adverse actions have been taken on these grounds for several years and the adjudicative basis has apparently shifted from loyalty and security to suitability.

An early response in this matter will be appreciated.

NOTE:

We have corresponded with the Department concerning amendments to EO 10450 by EO 11785 and requested guidelines as to our investigations of subversive matters defined in EO 10450 as amended by EO 11785 as none have been previously furnished by the Department. This is necessary because the Federal Employee Security Program depends on subversive information originating with our subversive investigations. The foregoing requests clarification in conflicting language in the Department's response as to subversive investigations and response to questions concerning the FBI's investigative role in the above Program.

Although our original inquiry was directed to Assistant Attorney General, Criminal Division, the Department memorandum notes Assistant Attorney General, Administrative Division, answered with concurrence of the Criminal Division. We are, therefore, directing our request for clarification to Assistant Attorney General for Administration.

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
3 - Mr. T. W. Leavitt
(1 - Mr. W. O. Cregar)
(1 - Mr. T. J. McNiff)

1 - Mr. Fehl
1 - Mr. Steel
1 - Mr. Stoops

March 3, 1976 #MDR-6 2/6/01

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP3ALM/KP

62-116395

U.S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated February 9, 1976, requesting appropriate FBI materials describing the policy and procedures of the Bureau for investigations carried out pursuant to Executive Order (EO) 10450, (enclosed), as amended, including, but not limited to, the standards for checking the names for Federal employees or prospective employees in FBI files (a National Agency Check) the standards for determining whether or not there is "derogatory information" in the FBI files, the policies for dissemination of such information, and the circumstances under which the FBI will conduct its own investigation of a prospective Federal employee. Set forth below is this Bureau's response to the requests mentioned in referenced letter. Also enclosed are materials responsive to the requests mentioned in referenced letter.

POLICIES AND PROCEDURES OF THE FBI FOR
INVESTIGATIONS PURSUANT TO EO 10450, AS AMENDED

Executive Order (EO) 10450, as amended, came into existence on April 27, 1953, and serves as the basic authority under which most personnel investigations are conducted at the present time involving applicants and employees in the Executive Branch.

EO 10450, in its preamble, states that the interests of the national security require all persons privileged to be employed by the Government shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States.

Section 2 requires the agency head to maintain an effective program to insure that the employment or retention of applicants and employees is clearly consistent with the interests of the national security.

Original and one copy to AG.
GLS:pln/kkk
-14-

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

GPO : 1975 O - 569-920

Section 8 lists the conditions for developing information which is of investigative and, by inference, adjudicative interest.

Section 13 states: "The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee security program."

Chapter 732 of the Federal Personnel Manual instructs that before an agency issues a letter of charges under EO 10450, the Department of Justice shall be consulted to assure that the rights of the employees are fully considered.

The Government Printing Office, General Accounting Office, and Library of Congress, all in the Legislative Branch, voluntarily participated in the loyalty program prescribed by EO 9835. The same agencies desired to participate in the program set up by EO 10450. These agencies again, with the approval of the Department of Justice, worked out with the Department and with the Civil Service Commission procedures for their participation in EO 10450. The results of FBI investigations under EO 10450 concerning applicants and employees of these agencies in the Legislative Branch are furnished to the Civil Service Commission, which in turn furnishes the results to the designated officials in the specific agency.

Available information indicates that difficulties of proof imposed by the courts in loyalty and security cases are considered almost insurmountable and as a result no removal or other adverse actions have been taken on these grounds for several years and the adjudicative basis has shifted from loyalty and security to suitability. Thus, favorable determinations are said to be based on EO 10450 while unfavorable decisions almost always rely on the suitability provisions of Civil Service Regulations.

It is noted that you have previously reviewed Section 19, "Applicant and Employee Investigations Conducted for Other Government Agencies," FBI Manual of Instructions,

Volume II, which contains instructions to be followed for investigations carried out pursuant to EO 10450, as amended. This should be referred to for an understanding of the FBI's policy and procedures.

Section 8(d) reads as follows:

> There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

Chapter 736 of the Federal Personnel Manual instructs agencies to promptly refer to the FBI for investigation cases "which develop information indicating that a person may have been subject to coercion, influence, or pressure to act contrary to the interests of the national security, or information on possible disloyalty to the United States." This Chapter also requires that "information as to subversive activity on the part of employees in the Executive Branch....is referred by the employing agency.... to the Federal Bureau of Investigation" so that necessary investigation is conducted by the FBI.

In a memorandum dated August 19, 1974, (enclosed), to the Deputy Assistant Attorney General, Criminal Division, with a copy for the Director, Department Security Staff, Department of Justice, reference was made to EO 11785 dated June 4, 1974, (enclosed), which abolished the Attorney General's list of designated organizations, one of the standards used by the FBI in initiating investigations of individuals pursuant to EO 10450. It was pointed out this standard was eliminated with regard to investigations of applicants and employees in the Executive Branch which may be initiated by the FBI based on information in our files

as well as in evaluating requests for investigations of individuals received from other agencies and departments pursuant to Section 8(d) of EO 10450. Guidelines were requested for the use of the FBI in initiating investigations of individuals pursuant to EO 10450 and specifically criteria to be utilized in determining whether available information is sufficient basis for investigation under EO 10450.

A response to these inquiries was made by the Assistant Attorney General for Administration on November 1, 1974, (enclosed), advising that the FBI should continue to conduct investigations to identify organizations coming within the purview of Section 8(a)(5) of EO 10450, i.e., organizations which: (1) unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or any State; or (2) which seek to overthrow the Government of the United States or any State or subdivision thereof by unlawful means. The Department advised that if the investigation of an organization "suggests a determination that the organization is engaged in illegal activities or potentially illegal activities, it should continue.

Regarding the investigation of individuals, the Department advised that members or affiliates of organizations described above should be investigated and the same yardstick should be utilized as was indicated for organizations in determining whether the investigation should continue. The Department added, however, that "when a determination can reasonably be made that the individual's activities, either within the organization or as an individual, do not appear to be in violation of any law, then the investigation should cease."

In a memorandum dated December 11, 1974, (enclosed), to the Assistant Attorney General for Administration, clarification was requested of the guidelines for investigations by the FBI of applicants and employees in the Executive Branch under EO 10450 since the Department's statement that the same yardstick should be utilized in the case of organizations and individuals appears to be at variance with that used concerning organizations.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

STANDARDS FOR CHECKING FBI FILES FOR A NATIONAL AGENCY CHECK

Section 3(a) provides that the appointment of each civilian employee shall be made subject to investigation but in no event shall the investigation include less than a national agency check including a check of the fingerprint files of the FBI.

Although the scope of a national agency check is not defined in EO 10450, Chapter 736 of the Federal Personnel Manual defines a national agency check as including a check of the fingerprint files, Identification Division, FBI, and of the investigative files of the FBI.

STANDARDS FOR DETERMINING WHETHER OR NOT THERE IS "DEROGATORY INFORMATION" IN THE FBI FILES

The standards for determining what is derogatory information is such information that shall relate, but shall not be limited to, those facts described in subdivisions (1-8) of Section 8(a).

POLICIES FOR DISSEMINATION OF SUCH DEROGATORY INFORMATION

Section 5 of EO 10450 provides:

> Whenever there is developed by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representatives....

If the FBI receives information coming within the provisions of this section, the FBI has the responsibility to disseminate it whether it be of a suitability or loyalty nature. Chapter 735 of the Federal Personnel Manual contains language similar to that in Section 5. The conditions for the types of derogatory information involved are set forth in Section 8(a) of the Order.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

Supplement Number 4 (revised) of Departmental Order 3464, signed by the Attorney General on January 13, 1953, provides that all files, documents, records and reports in the Department of Justice shall be regarded as of a confidential nature.

The Attorney General by memorandum dated December 5, 1947, advised the Bureau that the practice in passing along to the various government departments and agencies information which comes to its attention in connection with the conducting of investigations, normally and regularly within the Bureau's jurisdiction, is entirely appropriate and correct. The Attorney General added that it would appear that the Bureau would be remiss in its duty if it failed to pass along information coming to it which might prove in the interest of the general welfare. He added that it is not the Bureau's responsibility to determine whether the information is or is not of importance to the particular agency in the carrying out of its current activities and responsibility, and whether or not any action is taken by the department or agency is not, of course, a principal concern of the Bureau. The Attorney General advised, therefore, that in his opinion the Bureau should continue to pass along information, which it is believed might be of interest to the various departments and agencies.

It should be noted that our FBI reports distributed to outside agencies are stamped as the property of the FBI with this additional notation," This document contains neither recommendations nor conclusions of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency."

FBI memorandum dated August 14, 1974, (enclosed), to the Assistant Attorney General for Administration, copies for the Deputy Assistant Attorney General, Criminal Division, and for the Director, Department Security Staff, confirmed the results of investigations of individuals pursuant to EO 10450 be furnished, where pertinent, to the Director, Department Security Staff.

The memorandum pointed out that, as in the past, these reports are furnished to the Department in order that consideration may be given as to whether any Federal laws have been violated and for information concerning possible subversive infiltration into the Executive Branch of the Government.

With regard to a determination as to whether any Federal laws have been violated, it was noted the violations generally involve Title 18, U.S. Code 1001, and a response is received from the Criminal Division.

Information concerning subversive infiltration into the Executive Branch is furnished for the Department's assistance in discharging its responsibilities under Section 13 of EO 10450.

The Assistant Attorney General for Administration, by memorandum dated August 26, 1974, (enclosed), advised that the practice as outlined in the memorandum of August 14, 1974, satisfies the needs of the Department.

As the result of reorganization in the Department, these reports are now sent to the Director, Security and Administrative Services Staff.

<u>CIRCUMSTANCES UNDER WHICH THE FBI WILL CONDUCT ITS OWN INVESTIGATION OF A PROSPECTIVE FEDERAL EMPLOYEE</u>

With regard to Sections 5 and 8(d), supra, the FBI sent a memorandum dated May 1, 1953, (enclosed), to the Deputy Attorney General pointing out that the FBI contemplated following the policy in existence under EO 9835 (Federal Employee Loyalty Program) of initiating an investigation based on available information rather than awaiting a request for such an investigation under EO 10450 from the interested department or agency. It was stated that if this practice was in conflict with the provisions of EO 10450, consideration could be given to clarification in subsequent regulations.

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

In reply the Deputy Attorney General on June 25, 1953, (enclosed), advised he did not believe the policy outlined in the memorandum dated May 1, 1953, to be in conflict with any provision of EO 10450 and saw no reason why the FBI should not continue this policy.

The FBI has continued the practice approved in the Department's memorandum of June 25, 1953, and by memorandum dated January 23, 1976, to the Deputy Attorney General, the Department was advised that this policy still continues under the provisions of EO 10450.

Enclosures (23)

1 - The Attorney General

5-140 (Rev. 1-21-74) **FEDERAL BUREAU OF INVESTIGATION**
WASHINGTON, D. C. 20535

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 3/3/76

Caption of Document: SSC let 2/9/76 requesting FBI materials describingthe policy & procedures of the Bureau.

Originating Office: FBI

Delivered by: [signature] Date: 3/8/76

Received by: Frederick Baron

Title: Counsel

Return this receipt to the Intelligence Division, FBI

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

3/3/76

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum and enclosures

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 2/9/76

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Operating procedures

8. SUMMARY (*see reverse side before completing this item*)

Information regarding FBI policy and procedure for investigations carried out pursuant to Executive Order 10450, as amended.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/6/01 BY SP2ALM/KP

62-116395

SJM:lhb (4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5-A

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

2 - M[redacted] J. A. Mintz
([redacted] - Mr. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. K. A. Mendenhall

The Attorney General

February 3, 1976

Director, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP3ALM KP

U. S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated January 7, 1976, requesting certain materials from the FBI.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum which constitutes this Bureau's response to the request for material set forth in paragraph two of referenced letter.

A copy of this memorandum is being furnished for your records, along with a set of the materials which is to be delivered to the SSC with the memorandum.

Attention is invited to a number of references in the materials to Mr. John T. Elliff, Director, Domestic Intelligence Task Force, SSC. Because of these references, it is our intention that when the materials are to be delivered to the SSC, we will invite Mr. Elliff to review the materials at FBI Headquarters and respect his desires as to whether or not any of the references should be excised prior to actual delivery of the materials. This procedure will thus insure the privacy considerations relative to Mr. Elliff.

EX-115 REC-38 62-116395-1474
7 MAR 18 1976

On January 29, 1976, the foregoing was discussed by a representative of this Bureau with Mr. Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, who agreed with our proposal.

Enclosures - 2

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

KAM:pal
(9)

SEE NOTE PAGE 2

ENCL BEHIND FILE

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
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Comp. Syst. ____
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Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

84 MAR 22 1976

The Attorney General

NOTE:

Proposal discussed with Shaheen by S. F. Phillips of Senstudy 75 Project after checking with Assistant Director Mintz. For ready reference by approving Bureau officials, attached below the yellow of the LHM is a set of the materials which will be retained by Bureau and we have flagged by paper clips those paragraphs which contain the pertinent references to Elliff.

2 - Mr. J. A. Mintz
(1 [illegible]r. Hotis)
1 - Mr. [illegible]. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. K. A. Mendenhall

62-116395 February 3, 1976

UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE
ACTIVITIES (SSC)

Reference is made to SSC letter dated January 7, 1976, requesting certain materials from the FBI.

The material requested in paragraph two of referenced letter is being delivered with this memorandum. With respect to the material being delivered, it should be noted there are several instances wherein the documents provided refer to previous communications, exhibits, and attachments. Extensive file reviews were conducted and some of these communications could not be located. In other instances when such communications were located, they were reviewed and found to not pertain to changes being made to Section 87 of the Manual of Instructions. Additionally, the final approved version of Section 87 and the Position Paper by Thomas J. Smith captioned "Domestic Intelligence Division-Scope of FBI Authority, Jurisdiction and Responsibility In Domestic Intelligence Investigations" are not being submitted with this memorandum inasmuch as these items have previously been furnished the SSC.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP3ALM/KP

1 - The Attorney General

KAM:pal pal ORIGINAL AND ONE FURNISHED THE ATTORNEY GENERAL
(8)

NOTE:

SSC requested material reflecting process by which Section 87 was changed during 1973, from inception to final approval. A review of pertinent files reveals questions were raised during 1971 about the FBI's jurisdiction in the security field by Senator S. J. Ervin and John T. Elliff. Former Acting Director L. Patrick Gray, III, requested, during early 1972,

NOTE CONTINUED PAGE 2

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Dep. AD Inv. ____
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Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE 62-116395-1474

Re: UNITED STATES SENATE SELECT COMMITTEE
TO STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE
ACTIVITIES (SSC)

NOTE CONTINUED

preparation of in-depth position papers for an Executive Conference which led to the above-mentioned paper by Thomas J. Smith. Thereafter Section 87 was revamped and security investigations were to be based on Federal statutes.

As indicated above, extensive file reviews were conducted to locate various communications referred to in documents being provided SSC and these efforts were negative. Additionally, some documents being provided SSC contain information of interest regarding the manual change; however, enclosures and attached letters with these documents did not pertain to the manual change and therefore these items were not furnished SSC.

5-140 (Rev. 1-21-74) **FEDERAL BUREAU OF INVESTIGATION**
WASHINGTON, D. C. 20535

Addressee: Senate Select Committee

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2/3/76

Caption of Document: Re SSC let 1/7/76 request for Section 87 of the Manual of Instructions.

Originating Office: FBI

Delivered by: J.D. Stassinos Date: 2/5/76

Received by: F.L. Cooke

Title: Clerk

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

CLASSIFY AS APPROPRIATE

TE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2/3/76

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

X	SSC
	HSC

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum and enclosures

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

SSC letter 1/7/76

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Operating procedures
Information handling

8. SUMMARY (see reverse side before completing this item)

Material reflecting process by which Section 87 of Manual of Instructions was changed during 1973, from inception to final approval.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP3ALM/BP

62-116395

AJD:lhb ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
(4) IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5-ACD

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

MAR 8 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Steven Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: SSC Letter Dated March 3, 1976

The attached letter from the SSC was discussed with Mr. Tom McNiff of the Bureau on March 8, 1976. It requires no response unless the FBI has objections to the draft SSC report on the Huston Plan.

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/6/01 BY SP2ALMKP

REC-104 62-116395-1473

MAR 15 1976

Inspector William O. Cregar advised 3/8/76 of Blackhurst call + contents of attached SSC letter. TJM

3/11/76 Steve Blackhurst, DOJ, advised that Elliff has agreed to prod letter potentially requested applies only to narrative reviewed by Bu personnel and not to documents footnoted in the report and which were not made available to Bu personnel. TJM

cc: Paul Daly

ENCLOSURE

84 MAR 17 1976

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DEPT. OF JUSTICE
MAIL UNIT

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

March 3, 1976

Michael E. Shaheen, Jr., Esq.
Office of Professional Responsibility
U. S. Department of Justice (Room 4313)
Washington, D. C. 20530

Dear Mike:

On February 23, 24, and March 3, 1976, Mr. William Cregar of the FBI reviewed the Select Committee's draft report entitled "National Security, Civil Liberties, and the Collection of Intelligence: A Report on the Huston Plan" for security problems. Loch Johnson, of the Committee staff, revised the draft to meet all security problems which were raised and discussed the revisions with Mr. Cregar to make certain that their concerns were met.

This letter is intended to confirm the fact that, unless I receive word to the contrary from you, the Department of Justice has no objection, on security grounds, to the publication of this report.

Thanks very much for your help throughout the inquiry into this subject.

Sincerely,

[signature]

Frederick A. O. Schwarz, Jr.
Chief Counsel

cc: Paul Daly, FBI

RECEIVED
MAR 3 1976

ENCLOSURE
62-116395-1473

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. J. B. Adams

DATE: 3/8/76

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
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Spec. Inv.
Training
Telephone Rm.
Director Sec'y

Attached is a letter dated 3/5/76 addressed to Michael E. Shaheen, Jr., Esquire, Office of Professional Responsibility, U.S. Department of Justice, from Frederick A. O. Schwarz, Jr., Chief Counsel of captioned Committee, confirming the fact that the FBI has reviewed the captioned Committee's draft report titled "CIA and FBI Mail Opening." The FBI's review, according to this letter, was to insure the draft report met all security problems. It is noted that the FBI's review of this report is not for purposes of accuracy but rather to insure that there are no problems relating to classification of material or similar problems.

RECOMMENDATION:

That the Intelligence Division review attached letter to determine if it accurately reports our review of the report in question and whether there may be additional changes desired in the draft report.

Enclosure

ENCLOSURE

REC-110 62-116395-1472

1 - Mr. Mintz - Enc.
1 - Mr. Leavitt - Enc.
1 - Mr. Phillips - Enc.
1 - Mr. Daly - Enc.

7 MAR 12 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/VP

PVD:lad
(6)

84 MAR 17 1976

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

March 5, 1976

Michael E. Shaheen, Jr., Esquire
Office of Professional Responsibility
Room 4313
U.S. Department of Justice
Washington, D.C. 20530

Dear Mike:

On March 4, 1976, Mr. James Johnson of the FBI reviewed the Select Committee's draft titled "CIA and FBI Mail Opening." James Dick and Thomas Dawson of the Committee staff revised the draft to meet all security problems previously raised by Mr. James Lee of the Bureau, and discussed the revisions with Mr. Johnson to make certain that their concerns were met.

This letter is to confirm the fact that, unless I receive word to the contrary from you, the Department of Justice has no objection to the publication of this report.

Thanks again for your help throughout the inquiry into this subject.

Sincerely,

Frederick A. O. Schwarz, Jr.

Frederick A. O. Schwarz, Jr.
Chief Counsel

Copy to Paul Daly

ENCLOSURE 62-116395-1472

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. S. J. Miller

The Attorney General February 26, 1976

1 - Mr. W. O. Cregar
1 - Mr. V. R. Thornton

Director, FBI

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated January 19, 1976, requesting access to certain FBI materials.

Enclosed for your approval and forwarding to the SSC is an original of a memorandum in response to Item 6 of referenced SSC letter.

A copy of this memorandum is being furnished for your records.

Enclosures (2)

62-116395

62-116395-1470

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

VRT:adn
(10)

7 MAR 9 1976

5-ENCLOSURE

5/27/76
SSC has not reviewed material
SSM/ds

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Director Sec'y ___

TO BE HAND-DELIVERED BY THE OFFICE OF CONGRESSIONAL AFFAIRS

MAIL ROOM ☐ TELETYPE UNIT ☐

1470

84 MAR 15 1976

2 - Mr. J. A. Mintz
(1 - J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. S. J. Miller
1 - Mr. W. O. Cregar

62-116395

February 26, 1976

1 - Mr. V. R. Thornton

U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated January 19, 1976, Item 6 of which requests access to copies of memoranda or letters between the FBI and IRS regarding the finances of: Fred Hampton, Bobby Rush, the Chicago Black Panther Party, Rev. John Fry and Charles La Paglia.

With respect to Item 6 a review of pertinent FBI files discloses there was only correspondence between the FBI and IRS regarding Bobby Rush. Material responsive to Item 6 has been assembled and is available for review in Room 4171, J. Edgar Hoover Building, by SSC Staff Members.

1 - The Attorney General

VRT:adn
(9)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

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Spec. Inv. ___
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Telephone Rm. ___
Director Sec'y ___

ORIGINAL AND ONE CC TO AG

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

62-116395-1470

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 594-120

ENCLOSURE 62-116395-1

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2/26/76

Caption of Document: U. S. SENATE SELECT COMMITTEE (SSC). (SSC Letter 1/19/76, Item 6) Black Panther Party.

Originating Office: FBI

Delivered by: [signature] Date: 3/2/76

Received by: [signature]

Title: Security Director

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

62 - 116395 - 1470 1470

ENCLOSURE ~~62-116395-1471~~

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

CLASSIFY AS APPROPRIATE

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2/26/76

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 1/19/76

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Information handling
Operating procedures

8. SUMMARY (*see reverse side before completing this item*)

Access to material regarding correspondence between FBI and IRS concerning Bobby Rush.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

62-116395

SJM:lhb ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
(4) IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

62-116395-1470 1470

3791 (6-75)

CLASSIFY AS APPROPRIATE

~~62-116395-145~~

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

SSC REQUEST 1-19-76

Item 6

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

SSC has never reviewed material.
5-27-76
[illegible]

62-116395-1470

ENCLOSURE

Retain

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. C. D. Brennan

DATE: 3/9/71

FROM : G. C. Moore

SUBJECT: BOBBY LEE RUSH
RACIAL MATTERS - BLACK PANTHER PARTY

A request to the Internal Revenue Service (IRS) for uncertified copies of the subject's income tax returns is attached. This information desired for investigative leads.

Rush is presently the Deputy Minister of Defense of the Chicago, Illinois, chapter of the Black Panther Party (BPP). He travels extensively to other mid-western cities, as well as the East Coast in connection with organizational activities. He has frequented national headquarters at Oakland, California, and is known to be a courier of funds to the national office. He has instigated rallies and demonstrations in support of Party causes. He has been convicted on unlawful use and illegal possession of firearms in state courts in Champaign and Cook County, Illinois.

As a key black extremist, we need to develop all information of subject's financial sources including his listed property, stocks, bonds, assets and all employments. If you approve, attached memorandum should be returned to Domestic Intelligence Division in order that income tax returns can be obtained and reviewed.

RECOMMENDATION:

That attached memorandum be approved requesting Rush's income tax returns for 1968 and 1969.

Enclosure

1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. G. C. Moore
1 - Mr. G. A. Day
1 - Mr. D. A. Brumble

DAB:pjc/cal
(6)

REC-110

157-

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM KY

MAR 17 1971

MAR 29 1971

REC-127 157-9301-54

1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. G. C. Moore

March 9, 1971

1 - Mr. G. A. Day

BOBBY LEE RUSH 1 - Mr. D. A. Brumble

Uncertified copies of income tax returns for 1968 and 1969 are requested for the following individual:

Name:	Bobby Lee Rush
Birth:	11/23/46, Sylvester, Georgia
Residence:	3145 West 16th Street, Chicago, Illinois (as of 12/8/70). 2330 South State Street, Chicago, Illinois (as of 3/69).
Employment:	Part-time writer of articles published Esquire Magazine (as of 3/69). Deputy Minister of Defense, Chicago, Illinois, chapter of Black Panther Party (1970).
Social Security Number:	348-36-3088

It is requested that no active investigation be conducted based solely upon this request.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/6/01 BY SP2ALM/GP

DAB:pjc/cal
(8)

NOTE:

See memorandum G. C. Moore to Mr. C. D. Brennan, captioned "Bobby Lee Rush, Racial Matters - Black Panther Party," dated 3/9/71, prepared by DAB:pjc/cal.

Tolson
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Mohr
Bishop
Brennan, C.D.
Callahan
Casper
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Soyars
Tele. Room
Holmes
Gandy

ORIGINAL AND ONE COPY FURNISHED INTERNAL REVENUE SERVICE.

MAR 22 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (157-9304) DATE: 2/25/71

FROM : SAC, CHICAGO (157-2832) (P)

SUBJECT: BOBBY LEE RUSH
RM - BPP (KEY BLACK EXTREMIST)

(OO: Chicago)

Re Bureau airtel to Albany, 12/23/70.

The above referenced airtel instructed investigation of a key black extremist to include a check of the subject's Federal Income Tax return. The Bureau is requested to obtain a copy of the 1969 Federal Income Tax return of BOBBY LEE RUSH for review.

RUSH's Social Security Number is 348-36-3088. His wife's name is SANDRA CAROL RUSH. His residences from 1968 to date have been located at 2330 South State Street, Chicago, and 3145 West 16th Street, Chicago.

RUSH was discharged from the United States Army on April 20, 1968. He was employed by the Baltimore and Ohio Railroad before becoming Deputy Minister of Information for the Black Panther Party in Chicago on a full-time basis.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

EX 105 157-9304-57

REC-1

8 MAR 1 1971

2 - Bureau (RM)
1 - Chicago

JPM:nss
(3)

1 - Mr. D. A. Brumble

SAC, Chicago (157-2832) 5/6/71

REC 98

Director, FBI (157-9304) 62

BOBBY LEE RUSH
RACIAL MATTERS - BPP

Enclosed for the Chicago Division is one copy of subject's U. S. individual income tax return for the calendar year 1968.

Enclosure is being forwarded to your division in response to your prior request for such information. You are to insure that this information is used for lead purposes only. Under no circumstances is the information set forth to be disseminated outside the Bureau and is not to be included in any item to be disseminated at a future date.

As soon as additional copy of subject's income tax return is received for 1969, same will be forwarded to you.

Enclosure

DAB:dw
(4)

NOTE:

Bobby Lee Rush is Minister of Defense, Illinois Chapter, BPP and a Key Black Extremist. Department forwarded Rush's income tax form for 1968 in compliance with request made of them March 11, 1971.

MAILED 6
MAY - 5 1971
FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

Tolson
Sullivan
Mohr
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Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
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Soyars
Tele. Room
Holmes
Gandy

3 MAY 12 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

US Treasury Department

Internal Revenue Service
Washington, DC 20224

Date: APR 20 1971 | In reply refer to: CP:C:D

Honorable Robert C. Mardian
Assistant Attorney General
Internal Security Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Mardian:

Bobby Rush

In re: Bobby Lee Rush
3145 West 16th Street
Chicago, Illinois
SSN: 348-36-3088

In response to your request of March 11, 1971, we are enclosing a copy of the 1968 income tax return of Bobby L. Rush.

This copy is being furnished for the purpose specified in your letter and with the understanding that it will be treated as confidential in keeping with the disclosure provisions of the Internal Revenue Code.

We will write you further concerning the 1969 return.

Sincerely,

(Signed) D. W. Bacon

D. W. Bacon
Assistant Commissioner
(Compliance)

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALMKP

Enclosure

REC 98

157-9304-62

MCT-24

MAY 6 1971

RACIAL INT. SECT.

IRS [JFK Law 11(a)]

SAC, Chicago (157-2832) 8/31/71

Director, FBI (157-9304) - 79

ST-102 REC- 66

1 - Chicago Guidance
1 - Mr. D. A. Brumble

BOBBY LEE RUSH
EM - BPP
(KEY BLACK EXTREMIST)

Compliance Division, Internal Revenue Service (IRS), U. S. Department of Treasury, Washington, D. C., has advised their master files show no record of tax returns filed by subject for 1969. They have initiated an investigation to secure any returns which may be due and the Bureau will be advised upon completion of the investigation. Upon receipt of same by the Bureau, Chicago will be advised.

Under no circumstances is the information set forth above to be disseminated outside the Bureau and is not to be included in any item to be disseminated at a future date.

DAB:mcm
(5)

NOTE:

Rush is a top leader and national functionary in the Black Panther Party (BPP). As Minister of Defense, Chicago Chapter of BPP, he administrates Midwestern U.S. BPP activities which in the past included attacks on police, bombings, and stockpiling of weapons. Bureau has previously furnished IRS with his complete background. Information from IRS was in response to a request made of them by the Bureau March 9, 1971, through the Attorney General.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

MAILED 3
AUG 30 1971
FBI

Tolson
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Sullivan
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Brennan, C.D.
Callahan
Casper
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Ponder
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Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

SEP 3 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

Department of the Treasury

Internal Revenue Service
Washington, DC 20224

Date: AUG 12 1971 | In reply refer to: CP:D

Honorable Robert C. Mardian
Assistant Attorney General
Internal Security Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Mardian:

In re: Bobby Lee Rush

Year: 1969

In response to your letter of March 11, 1971, a search of our individual master files shows no record of returns filed by the above for the year indicated. Accordingly, we have asked our field official concerned to initiate an appropriate investigation to secure any returns which may be due.

We will write you further upon completion of the investigation.

Sincerely,

D. W. Bacon
Assistant Commissioner
(Compliance)

ST-102

REC- 66 159-9307-79

AUG 31 1971

1 - Mr. D. A. Brumble

SAC, Chicago (157-2832) 3/1/72

REC- 45

Director, FBI (157-9304) - 89

BOBBY LEE RUSH 57-105
EM - BPP
(KEY BLACK EXTREMIST)

Compliance Division, Internal Revenue Service (IRS), U. S. Department of Treasury, Washington, D. C., has advised an investigation by them did not reveal subject had income in 1969 which would require him to file a tax return.

Under no circumstances is the information set forth above to be disseminated outside the Bureau and is not to be included in any item to be disseminated at a future date.

DAB:pag
(4)

NOTE:

Rush is national functionary of Black Panther Party (BPP), directing their Midwestern operations. Information from IRS was in response to a request made of them by the Bureau March 9, 1971, through the Attorney General.

MRR

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALMKD

MAILED 6
FEB 29 1972
FBI

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

MAR 6 1972

MAIL ROOM TELETYPE UNIT

DAB

Department of the Treasury

Internal Revenue Service
Washington, DC 20224

Date: FEB 11 1972 | In reply refer to:

CP:D

Honorable Robert C. Mardian
Assistant Attorney General
Internal Security Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Mardian:

In re: Bobby Lee Rush

Year: 1969

GCM

This is in further response to your request of March 11, 1971, and supplements our letter of August 12, 1971. Our investigation did not reveal that Bobby Lee Rush had income in 1969 which would require him to file a tax return.

If we can be of further assistance, please let us know.

Sincerely,

(Signed) John F. Hanlon

John F. Hanlon
Assistant Commissioner
(Compliance)

ST-105

157-9304-89

REC- 45

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/6/01 BY SP2ALM/KP

MAR 1 1972

Sent to Chicago 3/1/72

SSC REQUEST 1-19-76

Item 6

FOR ACCESS

62-116395-1470

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
Casper
Conrad
Dalbey
Felt
Gale
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

TO : Mr. C. D. Brennan

DATE: 3/9/71

FROM : G. C. Moore

5-

SUBJECT: BOBBY LEE RUSH
RACIAL MATTERS - BLACK PANTHER PARTY

A request to the Internal Revenue Service (IRS) for uncertified copies of the subject's income tax returns is attached. This information desired for investigative leads.

Rush is presently the Deputy Minister of Defense of the Chicago, Illinois, chapter of the Black Panther Party (BPP). He travels extensively to other mid-western cities, as well as the East Coast in connection with organizational activities. He has frequented national headquarters at Oakland, California, and is known to be a courier of funds to the national office. He has instigated rallies and demonstrations in support of Party causes. He has been convicted on unlawful use and illegal possession of firearms in state courts in Champaign and Cook County, Illinois.

As a key black extremist, we need to develop all information of subject's financial sources including his listed property, stocks, bonds, assets and all employments. If you approve, attached memorandum should be returned to Domestic Intelligence Division in order that income tax returns can be obtained and reviewed.

RECOMMENDATION:

That attached memorandum be approved requesting Rush's income tax returns for 1968 and 1969.

Enclosure

1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. G. C. Moore
1 - Mr. G. A. Day
1 - Mr. D. A. Brumble

DAB:pjc/cal
(6)

OK

REC-

157-

MAR 17 1971

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY

MAR 29 1971

REC-127 157-9301-57

1 - Mr. W. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. G. C. Moore
March 9, 1971

1 - Mr. G. A. Day

BOBBY LEE RUSH 1 - Mr. D. A. Brumble

Uncertified copies of income tax returns for 1968 and 1969 are requested for the following individual:

Name: Bobby Lee Rush

Birth: 11/23/46, Sylvester, Georgia

Residence: 3145 West 16th Street, Chicago, Illinois (as of 12/8/70). 2330 South State Street, Chicago, Illinois (as of 3/69).

Employment: Part-time writer of articles published Esquire Magazine (as of 3/69). Deputy Minister of Defense, Chicago, Illinois, chapter of Black Panther Party (1970).

Social Security Number: 348-36-3088

It is requested that no active investigation be conducted based solely upon this request.

DAB:pjc/cal
(8)

NOTE:

See memorandum G. C. Moore to Mr. C. D. Brennan, captioned "Bobby Lee Rush, Racial Matters - Black Panther Party," dated 3/9/71, prepared by DAB:pjc/cal.

ORIGINAL AND ONE COPY FURNISHED INTERNAL REVENUE SERVICE.

Tolson
Sullivan
Mohr
Bishop
Brennan, C.D.
Callahan
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Dalbey
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Soyars
Tele. Room
Holmes
Gandy

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/6/01 BY SP2ALM

MAR 23 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6
UNITED STATES GOV NMENT

Memorandum

TO : DIRECTOR, FBI (157-9304) DATE: 2/25/71

FROM : SAC, CHICAGO (157-2832) (P)

SUBJECT: BOBBY LEE RUSH
RM - BPP (KEY BLACK EXTREMIST)

(OO: Chicago)

Re Bureau airtel to Albany, 12/23/70.

The above referenced airtel instructed investigation of a key black extremist to include a check of the subject's Federal Income Tax return. The Bureau is requested to obtain a copy of the 1969 Federal Income Tax return of BOBBY LEE RUSH for review.

RUSH's Social Security Number is 348-36-3088. His wife's name is SANDRA CAROL RUSH. His residences from 1968 to date have been located at 2330 South State Street, Chicago, and 3145 West 16th Street, Chicago.

RUSH was discharged from the United States Army on April 20, 1968. He was employed by the Baltimore and Ohio Railroad before becoming Deputy Minister of Information for the Black Panther Party in Chicago on a full-time basis.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

EX 105 157-9304-57

REC-1

8 MAR 1 1971

2 - Bureau (RM)
1 - Chicago

JPM:nss
(3)

1 - Mr. D. A. Brumble

SAC, Chicago (157-2832) 5/6/71

REC 98

Director, FBI (157-9304) 62

BOBBY LEE RUSH
RACIAL MATTERS - BPP

Enclosed for the Chicago Division is one copy of subject's U. S. individual income tax return for the calendar year 1968.

Enclosure is being forwarded to your division in response to your prior request for such information. You are to insure that this information is used for lead purposes only. Under no circumstances is the information set forth to be disseminated outside the Bureau and is not to be included in any item to be disseminated at a future date.

As soon as additional copy of subject's income tax return is received for 1969, same will be forwarded to you.

Enclosure

DAB:dw
(4)

NOTE:

Bobby Lee Rush is Minister of Defense, Illinois Chapter, BPP and a Key Black Extremist. Department forwarded Rush's income tax form for 1968 in compliance with request made of them March 11, 1971.

MAILED 6
MAY - 5 1971
FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

Tolson
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Soyars
Tele. Room
Holmes
Gandy

MAY 12 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

US Treasury Department

Internal Revenue Service
Washington, DC 20224

Date: APR 20 1971 | In reply refer to: CP:C:D

Honorable Robert C. Mardian
Assistant Attorney General
Internal Security Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Mardian:

Bobby Rush

In re: Bobby Lee Rush
3143 West 16th Street
Chicago, Illinois
SSN: 348-36-3088

In response to your request of March 11, 1971, we are enclosing a copy of the 1968 income tax return of Bobby L. Rush.

This copy is being furnished for the purpose specified in your letter and with the understanding that it will be treated as confidential in keeping with the disclosure provisions of the Internal Revenue Code.

We will write you further concerning the 1969 return.

Sincerely,

(Signed) D. W. Bacon

D. W. Bacon
Assistant Commissioner
(Compliance)

Enclosure

Let SAC CG 5-6-71

REC 98 157-9304-62

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/16/01

MCT-24

MAY 6 1971

RACIAL INT. SECT.

IRS [JFK Law 11(a)]

SAC, Chicago (157-2832) 8/31/71

Director, FBI (157-9304) - 79
ST-102 REC-66

1 - Chicago Guidance
1 - Mr. D. A. Brumble

BOBBY LEE RUSH
EM - BPP
(KEY BLACK EXTREMIST)

Compliance Division, Internal Revenue Service (IRS), U. S. Department of Treasury, Washington, D. C., has advised their master files show no record of tax returns filed by subject for 1969. They have initiated an investigation to secure any returns which may be due and the Bureau will be advised upon completion of the investigation. Upon receipt of same by the Bureau, Chicago will be advised.

Under no circumstances is the information set forth above to be disseminated outside the Bureau and is not to be included in any item to be disseminated at a future date.

DAB:mcm
(5)

NOTE:

Rush is a top leader and national functionary in the Black Panther Party (BPP). As Minister of Defense, Chicago Chapter of BPP, he administrates Midwestern U.S. BPP activities which in the past included attacks on police, bombings, and stockpiling of weapons. Bureau has previously furnished IRS with his complete background. Information from IRS was in response to a request made of them by the Bureau March 9, 1971, through the Attorney General.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

MAILED 3
AUG 30 1971
FBI

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Brennan, C.D.
Callahan
Casper
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Dalbey
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Ponder
Rosen
Tavel
Walters
Soyars
Tele. Room
Holmes
Gandy

SEP 3 1971

MAIL ROOM TELETYPE UNIT

Department of the Treasury

Internal Revenue Service
Washington, DC 20224

Date: AUG 12 1971 | In reply refer to: CP:D

Honorable Robert C. Mardian
Assistant Attorney General
Internal Security Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Mardian:

In re: Bobby Lee Rush

Year: 1969

In response to your letter of March 11, 1971, a search of our individual master files shows no record of returns filed by the above for the year indicated. Accordingly, we have asked our field official concerned to initiate an appropriate investigation to secure any returns which may be due.

We will write you further upon completion of the investigation.

Sincerely,

D. W. Bacon
Assistant Commissioner
(Compliance)

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/6/01 BY SP2ALM KP

ST-102

REC- 66 157-9304-79

2 AUG 31 1971

1 - Mr. D A. Brumble

SAC, Chicago (157-2832) 3/1/72

REC- 45

Director, FBI (157-9304) - 8

ST-105

BOBBY LEE RUSH
EM - BPP
(KEY BLACK EXTREMIST)

Compliance Division, Internal Revenue Service (IRS), U. S. Department of Treasury, Washington, D. C., has advised an investigation by them did not reveal subject had income in 1969 which would require him to file a tax return.

Under no circumstances is the information set forth above to be disseminated outside the Bureau and is not to be included in any item to be disseminated at a future date.

DAB:pag
(4)

NOTE:

Rush is national functionary of Black Panther Party (BPP), directing their Midwestern operations. Information from IRS was in response to a request made of them by the Bureau March 9, 1971, through the Attorney General.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY 5PBALMYP

MAILED 6
FEB 29 1972
FBI

Mr. Tolson
Mr. Felt
Mr. Rosen
Mr. Mohr
Mr. Bishop
Mr. Miller, E.S.
Mr. Callahan
Mr. Casper
Mr. Conrad
Mr. Dalbey
Mr. Cleveland
Mr. Ponder
Mr. Bates
Mr. Waikart
Mr. Walters
Mr. Soyars
Tele. Room
Miss Holmes

MAR 6 1972

MAIL ROOM ☐ TELETYPE UNIT ☐

Department of the Treasury

Internal Revenue Service
Washington, DC 20224

Date: FEB 11 1972 | In reply refer to:

CP:D

Honorable Robert C. Mardian
Assistant Attorney General
Internal Security Division
Department of Justice
Washington, D. C. 20530

Dear Mr. Mardian:

In re: Bobby Lee Rush

Year: 1969

GCM

This is in further response to your request of March 11, 1971, and supplements our letter of August 12, 1971. Our investigation did not reveal that Bobby Lee Rush had income in 1969 which would require him to file a tax return.

If we can be of further assistance, please let us know.

W

Sincerely,

(Signed) John F. Hanlon

John F. Hanlon
Assistant Commissioner
(Compliance)

ST-105

157-9304-89

REC- 45

Sent to Chicago 3/1/72

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2/6/01 SP2ALM/KP

MAR 1 1972

Interspec, Inc.
SUITE 310
1120 CONNECTICUT AVENUE
WASHINGTON, D. C. 20036
202-347-1958

ROBERT L. SHORTLEY
PRESIDENT

March 3, 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALMKP

Honorable Clarence M. Kelley
Director, Federal Bureau of
Investigation
Washington, D.C. 20535

Sen Study

Dear Mr. Kelley:

I previously forwarded a copy of my letter of December 9, 1975 to Senator Frank Church regarding the work of the Select Committee on Intelligence activites.

I thought you might be interested in his undated reply I received last week.

Kindest regards,

R. L. Shortley

RLS:js
Encl.

62-116395-1469

170 MAR 10 1976

9 MAR 11 1976

67-223447

File 67-223447

EIGHT

THREE

SIX

84 MAR 11 1976

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH. HOWARD H. BAKER, JR., TENN.
WALTER F. MONDALE, MINN. BARRY GOLDWATER, ARIZ.
WALTER D. HUDDLESTON, KY. CHARLES MC C. MATHIAS, JR., MD.
ROBERT MORGAN, N.C. RICHARD S. SCHWEIKER, PA.
GARY HART, COLO.
WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALMKP

Dear Concerned Citizen:

Thank you for sharing your thoughts with me regarding the work of the Select Committee on Intelligence Activities. I am sorry to learn that you are unable to endorse the Committee's investigation and the efforts which have been undertaken to strengthen the Nation's intelligence agencies through closer definitions of their legal authority and areas of legitimate operation.

One of the possible abuses under investigation is the violation of the First and Fourth Amendment rights of Americans under the Constitution and Bill of Rights. The American system of government is unique in that it not only permits, but encourages, its citizens to voice their views on important issues. One of the rights we are trying to protect is your right to express your thoughts to me, either over the telephone or through the mails, without having your message intercepted or recorded by unauthorized persons. Highly sophisticated equipment now makes it possible to turn our surveillance techniques, which were originally designed to intercept foreign transmissions, inward against ourselves. It is important that provision be made for the lawful use of this capability, and that protection be assured our own citizens who could become the unwitting victims of this unconstitutional but nevertheless powerful surveillance technology.

I want to take this opportunity to assure you that the Committee's purpose is not, as some have suggested, to destroy, degrade, or even disrupt the legitimate functions of the intelligence gathering and law enforcement agencies of the United States. On the contrary, its purpose is to fortify these valid and vital areas of operation. However, we do intend to identify abuses or patterns of abuses which are clearly unlawful and take action to prevent their recurrence, whether they involve individuals or nations. We as individuals must live within the law; so must our Government and its agencies.

I appreciate your taking the time to write to me, and trust that the ultimate outcome of this investigation will strengthen the faith of our people in the integrity of their Government.

With all kind wishes.

Sincerely,

Frank Church
Chairman

ENCLOSURE

62-116395-1469

2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. K. A. Mendenhall

The Attorney General February 23, 1976

Director, FBI 62-116395-1467

REC-104

U. S. SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated February 5, 1976, as modified during a meeting on February 12, 1976, between John T. Elliff, SSC Staff Member, and Steven K. Blackhurst, Assistant Special Counsel for Intelligence Coordination, Department of Justice.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum which constitutes this Bureau's response to the above request.

A copy of this memorandum is being furnished for your records.

Enclosures (5)

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

KAM:en
(9)

ALL INFORMATION CONTAINED
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DATE 2/6/01 BY SP2ALM/KP

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"TO BE HAND-DELIVERED BY THE OFFICE OF CONGRESSIONAL AFFAIRS."

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

2 - M[redacted] J. A. Mintz
([redacted] - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. K. A. Mendenhall

62-116395 February 23, 1976

UNITED STATES SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH RESPECT
TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated February 5, 1976, as modified during a meeting on February 12, 1976, between John T. Elliff, SSC Staff Member, and Steven K. Blackhurst, Assistant Special Counsel for Intelligence Coordination, Department of Justice.

In accordance with the agreement between Messrs. Elliff and Blackhurst, the SSC request of February 5, 1976, has been limited only to documents pertaining to Attorney General authorization for electronic surveillance directed toward organizations engaged in preparations for the fall of 1969 "March on Washington."

A review of Bureau files indicated three organizations were targeted for such coverage. These organizations were the New Mobilization Committee to End the War in Vietnam (NMC), the Student Mobilization Committee to End the War in Vietnam (SMC), and the Vietnam Moratorium Committee (VMC).

Attached are unexcised copies of the Attorney General authorizations, with the exception of the authorization dated November 7, 1969, for these electronic surveillances. Page two of the November 7, 1969, communication contains a deletion pertaining to the identity of targets of electronic surveillance not concerned with this subject matter. This deletion was approved during the meeting February 12, 1976, mentioned above.

Enclosures (3)

1 - The Attorney General

ORIGINAL AND ONE TO ATTORNEY GENERAL

KAM:en
(8)

62-116395-1467

SEE NOTE PAGE 2

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Director Sec'y ___

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

GPO : 1975 O - 569-920

RE: UNITED STATES SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

NOTE:

Copies of SSC request and Attorney General authorizations attached for information. SSC requested copies of documents in form suitable for public release as part of SSC report.

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2-23-76

Caption of Document: U.S. SENATE SELECT COMMITTEE
(SSC letter 2-5-76)

Originating Office: FBI

Delivered by: [signature] Date: 2/27/76

Received by: [signature]

Title: Clerk

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALMKP

62-116395-1467

ENCLOSURE

CLASSIFY AS APPROPRIATE

TE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2/23/76

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum and enclosures

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 2/5/76

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Intelligence Collection
Information Handling

8. SUMMARY (*see reverse side before completing this item*)

Material regarding Attorney General authorization for electronic surveillance directed at organizations engaged in preparations for 1969 "March on Washington."

ALL INFORMATION CONTAINED
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DATE 2/6/01 BY SP2ALM/GP

62-116395

SJM:lhb
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5-cmd

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE

62-116395-1467

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

FEB 6 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

Mik

FROM: Michael E. Shaheen, Jr.
Special Counsel for Intelligence
Coordination

Sensitivity

SUBJECT: SSC Request Dated February 5, 1976

Attached is a letter from the SSC dated February 5, 1976. Please arrange for an appropriate response.

REC- 104 62-116395-1467

7 MAR 10 1976

4 ENCLOSURE

ALL INFORMATION CONTAINED
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DATE 2/6/01 BY SP2ALMKP

COUNSEL

cc: Paul Daly

FILE

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

February 5, 1976

Michael E. Shaheen, Jr., Esq.
Special Counsel for Intelligence Coordination
Office of the Deputy Attorney General
U. S. Department of Justice
Washington, D. C. 20530

Dear Mike:

The Select Committee requests delivery in unexcised form of the materials pertaining to the authorization of and recommendation for electronic surveillance directed in the fall of 1969 at organizations engaged in preparations for the "March on Washington" to protest the Vietnam War. The Select Committee also desires that this material be provided in a form suitable for public release as part of the Committee's report.

Sincerely,

John T. Elliff

John T. Elliff
Director
Domestic Intelligence Task Force

62-116395-1467

ENCLOSURE

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

THE ATTORNEY GENERAL
WASHINGTON

November 6, 1969

TO: J. Edgar Hoover

FROM: John N. Mitchell

RE: Fall Offensive Against the War in Vietnam
November 12-16, 1969
Internal Security - Miscellaneous

With respect to the attached approval, I request that you follow prior directions concerning conversations relating to the attorney-client relationship of the parties involved in the Chicago conspiracy trial.

62-116395-1467

ENCLOSURE

OFFICE OF THE DIRECTOR

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

November 5, 1969

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: FALL OFFENSIVE AGAINST THE WAR IN VIETNAM
NOVEMBER 12-16, 1969
INTERNAL SECURITY - MISCELLANEOUS

The New Mobilization Committee to End the War in Vietnam (NMC) is coordinating efforts for a massive antiwar manifestation to take place in Washington, D. C., November 12-16, 1969. This group maintains a Washington, D. C., office at 1029 Vermont Avenue, Northwest, where the planning takes place.

This demonstration could possibly attract the largest number of demonstrators ever to assemble in Washington, D. C. The large number is cause for major concern should violence of any type break out. It is necessary for this Bureau to keep abreast of events as they occur, and we feel that in this instance advance knowledge of plans and possible areas of confrontation would be most advantageous to our coverage and to the safety of individuals and property. Accordingly, we are requesting authorization to install a telephone surveillance on the Washington office of the NMC.

Interception will be made without trespass and maximum security will be guaranteed. Because of extensive contacts of the organization involved, it cannot be anticipated whether individuals who are or may be placed under an active investigation for possible criminal violations will be overheard by this coverage.

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/16/01 BY SP2ALM/KP

APPROVED [signature]

DATE 11/6/69

1467

62-1163

~~GROUP 1~~
~~Excluded from automatic~~
~~downgrading and~~
~~declassification~~

ENCLOSURE

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

OFFICE OF THE DIRECTOR

~~SECRET~~

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

November 7, 1969

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2/6/01 BY SP2ALM/KP

MEMORANDUM FOR THE ATTORNEY GENERAL

RE: FALL OFFENSIVE AGAINST THE WAR IN VIETNAM
NOVEMBER 12-16, 1969
INTERNAL SECURITY - MISCELLANEOUS

The New Mobilization Committee to End the War in Vietnam (NMC) is sponsoring a massive antiwar manifestation to take place in Washington, D. C., on November 12-16, 1969. The Student Mobilization Committee to End the War in Vietnam (SMC) and the Vietnam Moratorium Committee (VMC) are closely coordinating their efforts with NMC in organizing the demonstration. NMC, SMC and VMC occupy adjoining office space at 1029 Vermont Avenue, Northwest, Washington, D. C.

SMC is completely dominated and controlled by the Trotskyist Socialist Workers Party (SWP) and its youth affiliate, the Young Socialist Alliance (YSA). The VMC has recently endorsed fully the activities of NMC concerning the upcoming antiwar demonstration.

This demonstration could possibly attract the largest number of demonstrators ever to assemble in Washington, D. C., which is cause for major concern should violence of any type break out. It is necessary for this Bureau to keep abreast of events as they occur, and we feel advance knowledge of plans and possible areas of confrontation during the demonstration would be most advantageous to our coverage and to the safety of individuals and property.

We have separately requested authorization to install a telephone surveillance on the office of NMC. To further implement our coverage, we are requesting authorization to install telephone surveillances on the offices of SMC and VMC.

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

~~SECRET~~ ENCLOSURE

62-116395-1467

~~GROUP 1~~
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~~downgrading and~~ ...d

Memorandum for the Attorney General

Interception will be made without trespass and maximum security will be guaranteed. Because of extensive contacts of the organizations involved, it cannot be anticipated whether individuals who are or may be placed under an active investigation for possible criminal violations will be overheard by this coverage.

In accordance with my policy of keeping to an absolute minimum the number of such installations, I am ordering the discontinuance of this coverage on (Progressive Labor Party functionaries Fred Jerome, San Francisco, California, and Walter Linder, New York, New York.) Separate communications will be forwarded to you in this regard.

Deleted! organization and individuals not of interest to this subject matter

Respectfully,

J. Edgar Hoover

John Edgar Hoover
Director

APPROVED John N Mitchell

DATE 4/11/69

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

The Attorney General February 27, 1976

1 - Mr. S. F. Phillips

Director, FBI 62-116395-1466

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Mr. Fred H. Hall of Plantation, Florida, formerly employed by the FBI and subsequently by the Central Intelligence Agency, from which Agency he retired about six years ago, has made available to this Bureau a copy of a letter he wrote a short while ago to Senator Frank Church, Chairman of the SSC. Hall also sent a copy of his letter to Congressman Otis G. Pike, Chairman of the House Select Committee on Intelligence Activities.

I thought you would be interested in Mr. Hall's observations and am therefore enclosing a copy of his letter.

Enclosure

62-116395

ALL INFORMATION CONTAINED
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DATE 1/25/01 BY

1 - The Deputy Attorney General (Enclosure)
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

1 - 62-116464 (Houstudy)
1 - 67- (Personnel file former SA Fred H. Hall)

SFP:mjg
(11)

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NOTE:

Hall furnished the copy of his letter to Supervisor S. F. Phillips of the Senstudy 75 Project. Phillips and Hall have been close friends for many years and Hall made the letter available on a recent visit of Phillips to Florida. Hall indicated that Phillips could feel free to show it to anyone who may want to see it. The letter is very critical of the activities of both the Senate and House Select Committees.

TO BE HAND DELIVERED BY OFFICE OF CONGRESSIONAL AFFAIRS

MAIL ROOM ☐ TELETYPE UNIT ☐

84 MAR 11 1976

GPO : 1975 O - 594-120

Dear Seymour:
Attached is sent per your request.
Feel free to show it to anyone you may
want to see it. I wrote it and am not
ashamed of it.
I enjoyed the golf game. I just hope
that the next time you come to our area
I can have you out to dinner
Sincerely
Fred Hall

yellow

62-116395-

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62-116395-1406

7 MAR 8 1976

ENCLOSURE

C_O_P_Y

Hon. Frank Church
U.S. Senate
Washington, D.C.

Dear Sen. Church:

By way of background, I served honorably with both the Federal Bureau of Investigation and the Central Intelligence Agency for a combined total of over 33 years. I am proud of my service with each agency and I feel that my activities were quite worthwhile and in the national interest. I am a graduate of George Washington University Law School and a member of the bar. I am now retired.

As an interested and intellectually curious citizen, I have been reading accounts in the public press concerning the activities of the committee which you happen to chair and of the House Committee which Rep. Otis Pike happens to chair, both dealing with the U.S. investigative and intelligence programs.Briefly stated, I am totally nauseated by the irresponsible way in which both of you demand highly sensitive and classified data which seems to be publicized soon after you get it. It is my opinion and that of many friends that your committees are effectively destroying the credibility of these agencies and making impossible their effective performance in the future.

Before going further, let me state that I do not condone irregularities, improprieties or illegalities by either agency in their normal,routine activities but I do see the justification,in serious security or Mafia like criminal activities,for certain "extracurricular" activities to achieve needed ends and I think that the Congress should quietly recognize such,with reasonable controls. You should be proud and complimentary,for instance in my opinion,about the highly publicized and often misrepresented mail intercept program when you stop to realize that it was confined to mail to and from Russia and,insofar as I read, the results were given appropriate safeguards.

I have no objection to having some type of scrutiny and supervision of these agencies by some well qualified and impartial panel and I do not object to having appropriate administrative action taken against offending employees and officials,if their rights are protected. What I do strongly object to is the pathetically inept and horrendously damaging procedures whereby your inquiries on sensitive matters are regularly reported,sometimes incompletely and for apparent political reasons. It just seems to me that someone connected with your committees is afflicted with political "diarrhea of the mouth" which impels them to babble without regard to common sense or the welfare of our intelligence programs and, as I read the press, you two gentlemen both have this weakness.

I am sure that the intelligence organizations of all major nations make some mistakes.But have you ever seen the British,the French,the Russians,the Germans,the Israeli or the Japanese governments conduct such a "three ring circus" on sensitive matters as you men are doing to your everlasting discredit? I am sure also that we are the laughing stock of all the above enumerated nations. What foreign official will entrust sensitive and confidential data to U.S. intelligence agents in the foreseeable future when he knows that he may soon see his data publicized because of some misguided Congressional activity? I very sincerely feel that strong administrative and/or criminal action should be taken in any cases where either or both of your committees and/or their personnel have been the vehicle for embarrassing or damaging the U.S. by actions which resulted in confidential data being reported.

In order that there be no misunderstanding,this letter represents nothing more than my very sincere conviction of great personal contempt and disgust with the way in which you and your committees have done a great disservice to the United States by sadly mishandling your responsibilities to these agencies and to our nation.

Sincerely,

cc: Rep. Otis G. Pike
House Intelligence Committee
Washington, D.C.

FRED H. HALL
6903 Cypress Road,C-21
Plantation,Fla. 33317

cc DAK

Ltr to AG 2/27/76

5FP/mjs

5' PP

1 - Mr. Mintz
1 - Mr. Daly

March 3, 1976

1 - Mr. Leavitt
1 - Mr. S. F. Phillips

Assistant Attorney General
Civil Division

Director, FBI

SENATE SELECT COMMITTEE ON
INTELLIGENCE ACTIVITIES

Enclosed is a letter from Special Agent Seymor Fred Phillips to the Attorney General, dated March 1, 1976, in which Mr. Phillips requests the Department of Justice to provide him with legal counsel in connection with a request from the Senate Select Committee for an interview under oath concerning the FBI's investigation of Martin Luther King, Jr., and related matters.

Since Special Agent Phillips' involvement in the subject matter of the interview arose out of his duties as a Special Agent of the FBI, I recommend his request be granted.

Enclosure

JDM:clh
(8)

COPY RETAINED IN PERSONNEL RECORDS UNIT

REC 62-116395-1465

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5 MAR 4 1976

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GPO : 1975 O - 569-920

84 MAR 15 1976

March 1, 1976

Honorable Edward H. Levi
The Attorney General
Washington, D. C.

Dear Mr. Attorney General:

The United States Senate Select Committee to Study Governmental Operations With Respect to Intelligence Activities has requested that I voluntarily appear before its representatives for an interview under oath concerning the FBI's investigation of Martin Luther King, Jr., and related matters.

In connection with the interview, I respectfully request that the Department of Justice provide me with legal counsel.

Respectfully,

Seymor Fred Phillips
Special Agent
Federal Bureau of Investigation

1 XEROX

MAR 9 1976

ENCLOSURE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

FEB 21 1976

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11:10 PM NITEL FEBRUARY 20, 1976 GWR

TO DIRECTOR (62-116395)

FROM SEATTLE (66-2894) 1P

SENSTUDY 75.

REBUTEL FEBRUARY 19, 1976.

FORMER SA LEROY W. SHEETS CONTACTED TELEPHONICALLY BY ASAC J.D. PRINGLE, FEBRUARY 20, 1976 AND ADVISED OF CONTENTS OF RETEL.

SHEETS STATED HE WILL CONTACT LEGAL COUNSEL FIRST PART OF WEEK BEGINNING FEBRUARY 23, 1976 TO OBTAIN DETAILS OF INTERVIEW BY SENATE SELECT COMMITTEE STAFF MEMBERS.

E N D

HOLD

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Dep.-A.D.-Inv.	
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REC-110 62-116395-1463

7 MAR 9 1976

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/25/01 BY SP2ALM

84 MAR 11 1976

1 - Mr. [illegible] B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. F. J. Cassidy
(Attn: Mr. J. W. Dalseg)
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

February 20, 1976

The Attorney General

Director, FBI

UNITED STATES SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated July 9, 1975, requesting material relating to electronic surveillance of the so-called "Kissinger-17," and Department letter to the SSC dated July 15, 1975, captioned "Access/Delivery of Documents Requested in Senate Select Committee Letter of July 9, 1975."

Enclosed for your approval and forwarding to the Committee is the original of a memorandum with enclosed summary, which is responsive to referenced SSC request. A copy of this memorandum, with enclosure, is being furnished for your records.

It is being left to the decision of the Department as to whether approval of the White House and/or the Judiciary should be obtained prior to enclosed summary being referred to the SSC.

ENCLOSURE

62-116395-1462
MAR 9 1976

This is also to confirm a telephone conversation on February 18, 1976, between Special Agent Thomas J. McNiff of this Bureau and Michael E. Shaheen, Jr., Special Counsel for Intelligence Coordination, whereby Mr. Shaheen stated that excisions from the summary, for reasons of privacy, should be the responsibility of the SSC.

Enclosures (4)

62-116395

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

TJM:dmt/lhb/hb
(11)

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84 MAR 11 1976

GPO : 1975 O - 594-120

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. F. J. Cassidy
(Attn: Mr. J. W. Dalseg)
1 - Mr. W. O. Cregar

62-116395

February 20, 1976

1 - Mr. T. J. McNiff

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

RE: REQUEST FOR MATERIAL RELATING TO
ELECTRONIC SURVEILLANCE OF
"KISSINGER-17"

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/25/01 BY SP2ALM/KP

Reference is made to SSC letter dated July 9, 1975, page three, paragraph two, subsection A, requesting materials in Bureau files relating to electronic surveillance of the so-called "Kissinger-17," and Department letter to the SSC dated July 15, 1975, captioned "Access/Delivery of Documents Requested in Senate Select Committee Letter of July 9, 1975," which letter sets forth arrangements that had been agreed upon on July 11, 1975, by representatives of the Department of Justice and the SSC concerning the manner in which the Bureau will respond to the above.

In accordance with the above agreement, SSC Staff Member James Dick on February 18, 1976, appeared at FBI Headquarters and prepared a longhand summary based on his review of material relating to the so-called "Kissinger-17." Mr. Dick requested that his summary be approved by appropriate officials and forwarded to the SSC on an expedite basis.

Attached is the original of the above summary prepared by Mr. Dick in his handwriting. In accordance with prior request of the SSC, excisions from the summary, for reasons of privacy, have not been made by this Bureau, but are being considered the responsibility of the SSC.

Enclosure ORIGINAL AND ONE COPY TO AG

1 - The Attorney General

TJM:dmt/lhb lhb (10)

SEE NOTE PAGE 2

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ENCLOSURE 62-116395-1166

GPO : 1975 O - 594-120

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

RE: REQUEST FOR MATERIAL RELATING TO ELECTRONIC SURVEILLANCE OF "KISSINGER-17"

NOTE:

The above agreement referred to in referenced Department letter states that material in FBI files relating to the "Kissinger-17" surveillance would be made available for review to SSC personnel at FBIHQ. These personnel may take such notes as deemed appropriate which notes were to be left in secure location at FBIHQ during the time the SSC study was in progress. When the study was completed, the SSC was to prepare a summary of the information considered appropriate for Committee use. The summary would be checked to ensure the protection of national security matters, protection of confidential sources of information and observation of privacy considerations. Thereafter, the approved summary would be furnished to the Committee and Staff notes destroyed. Mr. Dick on July 16 and 17, 1975, reviewed the material relating to the "Kissinger-17" and left his notes in possession of Bureau personnel. On 2/17/76, Mr. Dick requested permission to return to FBIHQ to review the above notes and prepare his summary which he did on 2/18/76. The summary prepared by Mr. Dick can be placed into two categories: (a) Political or personal information obtained from the tesurs which was disseminated to individuals at the White House and (b) a list of the targets and the dates the coverage was in operation for each target comprising the "Kissinger-17." Review of this summary indicates that no confidential sources of this Bureau are jeopardized, and there appears to be no jeopardy to national security matters. Regarding the latter, however, it is felt that the White House would be in the best position to pass final judgement in this matter.

It is to be noted that the matter of tesur coverage of some members of the "Kissinger-17" is currently in litigation.

The following notes were taken by James Dick, Senate Select Committee Staff, on February 18, 1976, based on a review of the file on the seventeen wiretaps which occurred between May 1969 and February 1971. These notes contain two types of summaries: (a) essentially political or personal information which was ~~obtained~~ obtained from the wiretaps and disseminated to Henry Kissinger, John Ehrlichman, H. R. Haldeman, and/or President Nixon, and (b) a list of the targets and the dates the coverage was in operation for each.

62-116395-1442
ENCLOSURE

①

Bur,
Lengths of each tap
Pers. / Pol.
SCt overhear

Nixon dissem – 7/18/69
Brandon told friend "is clear the Admin. will win on the ABM by a two vote margin. He [B] said, 'they've got Williams & they've got Magnuson.'" ~~Friend~~ Friend told B. that Sen. Kennedy "planned to spend the weekend w/ Robt Packwood ..." But B uncertain, when asked, ~~as to~~ how Kenn. wld vote on ABM

Ehrlich dissem ~~[illegible]~~ 7/25/69
One target contacted a stewardess "and ~~apolog~~ apologized for drinking too much the previous evening. She concurred that he drinks too much + also suggested he cut his hair."

Ehrl. dissem 7/28/69
Friend told one target that "much of what is being said now about what the Pres has done in the WH or looking ahead to do is based on the conviction that Mitchell has a strategic view of Nixon's role that involves the South."

Ehrl. dissem. 7/31/69
"Display of affection bet. woman (not his wife) + one target

ENCLOSURE

62-116395-146

(2)

Ehrl. - 9/18/69
Sears' intent to write an art. for Harper's + his possibly managing a pol. campaign for a Repub. gubernatorial candidate in mid-west

Kiss - 10/10/69
Kalb's wife said he told her Time + Newsweek were fed up w/ current admin. + are "jumping on the Pres." ..."She further stated that the 'big news' is that the Republicans are acknowledging the President's failures + that journalists are becoming open in their criticism of him."

Nixon 10/9/69
"Halp. recently ~~stated~~ that he ~~...~~ was to spend an hour w/ Kennedy's Vietnam man, as Kennedy is giving a speech on the 15th"

Nixon - 10/24/69
Re: Brandon preparing an art. entitled "How the Gilt Came Off Nixon's Gingerbread" for London Sunday Times

Kiss 12/2/69
Bran. talked w/ [redacted], who said Birch Bayh is in trouble bec. of Haynsworth confirmation

Kiss 12/3/69
Bran. said Sen Fulbright postponed hearings on Vietnam bec felt they

wldn't be popular
Kiss 12/29/69
Clifford's art. in Life
Nixon - 2/2/70
Bran. re: contact w/ NYT reporter discussed Arthur Burns + his plans to ease credit restrictions
Kiss. 2/17/70
Bran. re: contact w/ friend who said McGeo. Bundy "was in hot water" bec he let it be known that Ford Foundation is supporting 'washed up' Democrats"
Kiss 2/26/70
Bran. - Brinkley (NBC) told B "was very depressed over having been 'singled out' by the Vice Pres."
Nixon - 5/11/70
Mrs. Bran. said Hickel had only gotten to see Nixon twice + K. wldn't be welcomed back to Harvard
Hald. - 5/18/70
Halp. said he'd rec'd a copy of Muskie's resolution on the war + agrees to lobby for it
Friend told Pursley he was going to see if Sen JS Cooper will "buy 'a new amendment' + that "they" are going to meet w/ Sen Mansfield

Hald 6/2/70
Halp said Sen Mathias had talked to Mansfield concerning a meeting + Halp sent an art to friend at Brookings Instit described as "the Muskie thing."

Friend of Lake's said Star planned to do an art. crit. of Kissinger

Hald 6/23/70
Halp agreed to talk to Sen Cotton + Sen Pearson on Cambodia — friend describes Sen Cotton as 'marginal' on the Church-Cooper amendment but said H's talk cld make Pearson favor it

Hald 6/25/70
Bran. tells Potter Stewart is doing an art on whether black rads can get fair trial + makes arrangements to discuss it w/ him

Hald 7/7/70
Friend tells Lake "that the Admin. of NYC needs help..."
Lakes tells friend Shriver is going to do a lot of fund raising for ~~Dems~~. cong. candidates

Hald 7/10/70
Bran. talked to author of a bk on "southern strategy" abt bk.

Hald 9/4/70
Lake tells friend he ~~told~~ helped Shriver

re ~~speech~~ press release crit. a recent speech by Nixon attacking certain congressmen

Hald - 9/25/70

Wife of one ~~target~~ tells her mother ~~that target~~ had been drinking a lot ~~lately~~

Kiss - 11/3/70

Sonnen. called Kiss. "stupid"

Lake discussed Nixon's 1970 campaign strat. w/. a friend

Hald 11/13/70

Friend of Halp's tells him Kennedy will prob. run in '72

Hald 11/24/70

Lake re Mondale in a dilemma over trade bill

Hald 12/11/70

Lake ~ Mondale thinks Nixon beatable

~ said friend of his is writing on art. blasting Mayor Lindsay

Hald 12/17/70

Plans of McLanes over Christmas

Hald 12/18/70

WH aid target tells brother he didn't understand appt. of Bush to UN

Hald 12/22/70

Harriman tells Bean he'd talked to LBJ + "that Johnson wld not back Sen. Muskie for the Presidency as he intended to stay out of politics"

(6)

Held 12/28/70
Re: Muskie's trip to USSR
Held 1/22/71
Mrs Bran disc'd Kennedy's defeat as Whip to Byrd

~~Pursley discon't — 5/27/69 ~~5/20/69~~~~
~~Moose " — 6/20/69~~
~~Sneider " — "~~
~~Sonnex " — "~~
~~Smith " — 8/31/69~~
~~Davidson " — 9/15/69~~
~~Safire " — "~~
~~Sears " — 10/2/69~~
~~McLane " — 1/27/71~~

Source: Memo from TJ Smith to ES Miller 5/25/73

Beecher	5/4/70 – 2/10/71	✓
Brandon	5/29/69 – 2/10/71	✓
Davidson	5/12/69 – 9/15/69	✓
Halb	5/9/69 – 2/10/71	✓
Kalb	9/10/69 – 11/4/69	—
Lake	5/13/70 – 2/10/71	✓
Lord	5/13/70 – 2/10/71	✓
McLane	12/14/70 – 1/27/71	⊖
Moose	5/20/69 – 6/20/69	⊖
Pedersen	5/4/70 – 2/10/71	✓
Pursley	5/12/69 – 5/27/69 and 5/4/70 – 2/10/71	
Smith	6/4/69 – 9/1/69	⊖
Safire	8/4/69 – 9/15/69	⊖
Sneider	5/20/69 – 6/20/69	⊖

Sears - 7/23/69 - 10/2/69
Sonnen - 5/12/69 - 6/20/69 and 10/19/70 - 2/10/71
Sell - 5/4/70 - 2/10/71 ✓

5-140 (Rev. 1-21-74) **FEDERAL BUREAU OF INVESTIGATION**
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2/20/76

Caption of Document: U. S. Senate Select Committee (SSC). (SSC Letter 7/9/76, page 3, pargraph 2, subsection A; Dept letter 7/15/76)

Originating Office: FBI

Delivered by: [signature] Date: 2/27/76

Received by: [signature]

Title: Clerk

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/20/01 BY SP2ALM/BP

62-116395-1461

ENCLOSURE

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (check appropriate term. If a document was made available for review but not transmitted, so note.)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2/20/76

3. TO WHOM PROVIDED (check appropriate term; add specific names if appropriate)

X	SSC
	HSC

4. IDENTIFICATION (provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)

Memorandum and enclosure

5. IN RESPONSE TO (list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)

SSC letter 7/9/75

6. CLASSIFICATION OF INFORMATION (enter U, C, S, TS or Codeword)

U

7. KEY WORDS (enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)

Information Handling
Surveillance

8. SUMMARY (see reverse side before completing this item)

Original of handwritten notes of SSC Staff Member James Dick relating to so-called "Kissinger 17."

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/25/01 BY SP2ALM/KP

62-116395

SJM:lhb (4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5-118

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE 62-116395-1463

INSTRUCTIONS

- Type or print clearly in ink.

- Indicate classification of the abstract top and bottom.

- Date the abstract and put on any internal control numbers required.

- "FROM" entry should clearly identify the organization providing the information.

- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

1 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. R. L. Moore

The Attorney General

February 27, 1976

Director, FBI

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

By letter dated November 7, 1975, the SSC submitted 19 Questions concerning the disappearance of Mr. Thomas Riha for response by the FBI.

Enclosed for your approval and forwarding to the Committee is the original of a memorandum which is in response to the Committee's questions as contained in referenced communication.

A copy of this memorandum is being furnished for your records.

Enclosures (2)

62-116395

62-116395-1461

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

4 ENCLOSURE

7 MAR 9 1976

RLM:emj
(9)

"TO BE HAND-DELIVERED BY THE OFFICE OF CONGRESSIONAL AFFAIRS"

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___ MAIL ROOM ☐ TELETYPE UNIT ☐

84 MAR 1 1 1976

W... RLM WOC/P

1 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. R. L. Moore

62-116395

February 27, 1976

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter to the U. S. Department of Justice dated November 7, 1975, submitting 19 questions concerning the disappearance of Mr. Thomas Riha to be answered by the FBI.

The SSC requested that answers to these questions be provided in both classified and nonclassified forms. Pursuant to this request the FBI has prepared nonclassified answers to all questions. There was no need to prepare answers in a classified form.

It is to be noted that on June 13, 1975, and November 21, 1975, the SSC was furnished with documents relating to various questions proposed by the SSC concerning the disappearance of Thomas Riha. With the submission on November 21, 1975, the enclosures represented the entire information available at FBI Headquarters (FBIHQ), including the Identification Division, with reference to this matter. Any document now being furnished to you was obtained from the Denver Office of the FBI and was not previously available at FBIHQ.

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

"TO BE HAND-DELIVERED BY THE OFFICE OF CONGRESSIONAL AFFAIRS"

ORIGINAL AND ONE TO ATTORNEY GENERAL

SEE NOTE, PAGE ELEVEN

RLM:emj
(8)

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
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Laboratory
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NDR-16 1/17/01
CLASSIFIED BY NLS/ALM/166602367-AAG
DECLASSIFY ON: 25X 1,6

RLM.
WOC
62-116395-1461

MAIL ROOM ☐ TELETYPE UNIT ☐

ENCLOSURE

GPO : 1975 O - 569-920

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE
ACTIVITIES (SSC)

1. Question: Does the FBI know the whereabouts of Riha--whether he is alive or dead? Where?

Answer: The FBI does not know the whereabouts of Riha or whether he is alive or dead.

2. Question: Was Riha known to the Agency? If so, when first known and why?

Answer: All information relating to the FBI's knowledge of Riha has been previously furnished to the SSC. The first communication pertaining to Riha was a memorandum from CIA dated October 27, 1958. This memorandum was furnished the SSC on June 13, 1975.

3. Question: Was Riha employed by FBI? If so, in what capacity? Dates of employment?

Answer: Riha was not employed by the FBI.

4. Question: In March or April 1969 or thereafter, did Mrs. Gloria (Galya) Tannenbaum of Denver and Boulder, Colorado, contact the FBI in Colorado or Washington to assure the FBI that missing University of Colorado Professor Thomas Riha was alive and well and had left his home for personal reasons on March 15, 1969? If so, who in the FBI received this information and to whom was this information passed on in the FBI and the CIA? When was this done?

Answer: Mrs. Gloria (Galya) Tannenbaum did not contact the FBI in March or April, 1969, for any reason. On May 14, 1969, she was contacted by Special Agents of the FBI at her residence in Denver, Colorado, in connection with an investigation involving charges that

she had impersonated an officer of the U. S. Immigration and Naturalization Service. There is no record that Riha was discussed during this contact. A letter from the Denver Office of the FBI dated February 12, 1970, reported that on January 28, 1970, she was interviewed by Special Agents of the FBI at Boulder City Jail, Boulder, Colorado, at which time she offered the opinion that Riha had decided to leave Boulder due to marital difficulties and personal clashes with other members of the faculty at the University of Colorado. She listed a number of telephonic and personal contacts she had had with him subsequent to March, 1969.

The communication reporting the May 14, 1969, contact does not list the names of the Special Agents who contacted her, however, the communication was prepared by Special Agent Merrill R. Smith. At that time Special Agent Smith and Special Agent J. Hale McMenamin were the only Agents assigned at Boulder, Colorado. As the SSC was previously advised on November 21, 1975, the January 22, 1970, communication from Denver FBI to FBIHQ could not be located and therefore it cannot be determined who at FBIHQ received it or if the information was passed to CIA.

The letter from the Denver Office to FBIHQ on February 12, 1970, was initialed by a case supervisor in the General Investigative Division and a case supervisor in the Intelligence Division. Other than the information following in response to question number 5, there is no indication that the information was passed to CIA.

5. Question: Was this or other information passed on by the FBI to the CIA or to other agencies and the Denver and Boulder police? What was the information conveyed? When was this done?

U. S. SENATE SELECT COMMITTEE TO
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Answer: The report of the interview of Tannenbaum on January 28, 1970, was included in a memorandum which was furnished to FBIHQ by communication from Denver dated February 12, 1970, captioned "Galya Tannenbaum, aka, Impersonation." The memorandum was disseminated at FBIHQ to CIA, Secret Service, State Department, Immigration and Naturalization Service, and Defense Intelligence Agency. The memorandum was furnished to the U. S. Attorney, Denver, Colorado, by the Denver FBI Office. There is no indication that the information was passed to the Denver or Boulder police.

6. Question: Why did FBI say in 1969 and 1970--and continues to say now--that it conducted no investigation of Riha's disappearance when it is known that FBI agents talked in 1969 and 1970 with friends of Riha about his disappearance?

Answer: The FBI said in 1969 and 1970 and continues to say now that it conducted no investigation of Riha's disappearance because from the outset of his disappearance to now, the FBI has never conducted any investigation into the disappearance of Thomas Riha. Reference is made to the third, fourth, fifth and sixth paragraphs of Denver FBI letter to the Director dated February 12, 1970, supra, previously furnished to the SSC on November 21, 1975, which read as follows: "All persons interviewed in this investigation were specifically advised by interviewing Agents that the purpose of this investigation was to ascertain whether Galya Tannenbaum had in any way violated Federal statutes concerning impersonation. Interviewees were specifically advised

investigation was not in any way connected with the dissapearance of Thomas Riha, a currently missing Assistant Professor of History at the University of Colorado, Boulder, Colorado.

"This statement was made to interviewees because the Denver Office has received inquiries by news media concerning Riha's disappearance and they have been specifically advised there is no evidence relating to his disappearance showing any violation of Federal law over which this Bureau has jurisdiction. The circumstances of his disappearance suggest a missing person situation and that investigation is being handled by the Boulder Police Department.

"Because of the close personal relationship between Tannenbaum and Riha, it would be possible, without the above statement by interviewing Agents, that interviewees could gain the impression the FBI is investigating the disappearance instead of the impersonation of a Federal officer by Tannenbaum.

"Pursuant to current Bureau instructions, this office is not and has not conducted any investigation concerning Riha."

7. Question: Why, in January or February 1970, did an FBI agent at the Denver office refuse to accompany CIA Agent Michael Todorovich from Boulder to see then Denver District Attorney Mike McKevitt? Was it made known by the CIA agent that the purpose of the visit was to ease the pressure on issuance of a subpoena to Dr. Joseph Smiley, former president of the University of Colorado? (Under such a subpoena, Smiley might have been required to reveal the agency that had given him the April 1969 report that Riha was alive and well at that time.)

Answer: The only information with reference to the contact between former Special Agent in Charge Scott J. Werner and CIA agent Mike Todorovich is contained in Denver FBI letter to Director dated February 12, 1970, captioned "Thomas Riha," previously furnished to the SSC on June 13, 1975.

8. Question: In December 1969, when Riha's dying mother, Dr. Ruth Ann Cook of Taunus, West Germany, contacted the FBI in Washington about her missing son, she was very anxious to "do anything" to determine where he was and what had happened to him. Yet the FBI (J. Edgar Hoover) said in December 1969, that Mrs. Cook declined the FBI's offer to place a missing persons notice on Riha in the FBI bulletin. What information did the FBI furnish Mrs. Cook to lead her to make this unlikely decision not to pursue all possible ways to find out what happened to her son?

Answer: All reports of communications between Dr. Ruth Ann Cook, mother of Thomas Riha, and the FBI, were furnished to the SSC on November 21, 1975.

9. Question: Was Dr. Cook connected with the FBI in any way at any time? In what capacity? When?

Answer: Dr. Cook was not connected with the FBI in any way at any time.

10. Question: Was Mrs. Gloria (Galya) Tannenbaum ever employed by the FBI? For what purpose or purposes? Was she hired to check on Leonard Carlin, Chicago attorney who was active in defending antiwar activists in the 1960s?

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS
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ACTIVITIES (SSC)

Answer: Mrs. Gloria (Galya) Tannenbaum was never employed by the FBI. She was not hired to check on Leonard Carlin, Chicago attorney.

11. Question: Was Mrs. Tannenbaum sent by the FBI from Chicago to the Boulder-Denver, Colorado, area in 1968 to check on Riha or on Boulder attorney Dennis Blewitt, who later became Riha's attorney and confidant?

Answer: Mrs. Tannenbaum was not sent by the FBI from Chicago to the Boulder-Denver, Colorado, area in 1968 for any reason.

12. Question: What knowledge does the FBI have on Riha's translations of Czechoslovakian tapes for Mrs. Tannenbaum in March 1969, before he disappeared?

Answer: The FBI does not have any knowledge regarding Riha's translations of Czechoslovakian tapes for Mrs. Tannenbaum.

13. Question: What knowledge does the FBI have on Tannenbaum's reported suicide at the Colorado State Hospital in March 1971? Is the FBI acquainted directly or indirectly with Henry Madrid, a technician at the hospital?

Answer: The only knowledge the FBI has concerning Tannenbaum's reported suicide at the Colorado State Hospital in March, 1971, was obtained from newspaper clippings previously furnished to the SSC on November 21, 1975. The FBI is not acquainted directly or indirectly with Henry Madrid, a technician at the hospital, other than through his mention in the above newspaper clippings.

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS
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14. Question: Did the FBI contact the Colorado Bureau of Investigation at any time on the Riha disappearance, Mrs. Tannenbaum's death or any other aspect of the Riha-Tannenbaum case? If so, when were these contacts and what was their extent?

Answer: There is no record that the FBI contacted the Colorado Bureau of Investigation at any time on these matters.

15. Question: Did the FBI have any contacts with Riha when he was working as an interpreter in the Army in the early 1950s?

Answer: There is no record that the FBI had any contact with Riha while he was in the Army in the early 1950s.

16. Question: Does the FBI have files on any of the following persons, or were any of them at any time employed by the FBI directly or indirectly or contacted by the FBI, and for what reason?

Mrs. Jan (Kenneth) Sorensen - Boulder, Colorado
Zdenek Cerveny - Boulder, Colorado
Mrs. Carol Word - Littleton, Colorado
George and Francesca Stein - Lyons, Colorado
Professor Donald Fanger - Cambridge, Massachusetts
Henry Madrid - Pueblo, Colorado
Professor Stephen Fischer-Galati - Boulder, Colorado
Harvey Bevier - Denver, Colorado
Professor Oldrich Leska - Prague, Czechoslovakia
Jaroslav Riha - San Antonio, Texas
Professor Joyce Lebra - Boulder, Colorado

U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Answer:

(a) The FBI does not have files on any of the following persons nor is there any indication that any of them were ever employed by the FBI directly or indirectly or contacted by the FBI: Mrs. Jan (Kenneth) Sorensen, Boulder, Colorado; Mrs. Carol Word, Littleton, Colorado; George Stein, Lyons, Colorado; Henry Madrid, Pueblo, Colorado; Harvey Bevier, Denver, Colorado; and Jaroslav Riha, San Antonio, Texas.

(b) The FBI does not have files on any of the following persons nor is there any indication that any of them were ever employed by the FBI, however, they were contacted by the FBI as indicated on separate reports of interview which are being furnished to the SSC: Zdenek Cerveny, Boulder, Colorado; Francesca Stein, Lyons, Colorado; and Professor Joyce Lebra, Boulder, Colorado.

(c) The FBI does have files on Professor Donald Fanger, Cambridge, Massachusetts; Professor Stephen Fischer-Galati, Boulder, Colorado; and Professor Oldrich Leska, Prague, Czechoslovakia. These files are not related to the disappearance of Thomas Riha. Professors Fanger and Leska were never employed by the FBI directly or indirectly nor is there any indication they have ever been contacted by the FBI. Professor Fischer-Galati has never been employed by the FBI directly or indirectly. Correspondence between Fischer-Galati and the FBI and other Government officials regarding the disappearance of Thomas Riha was previously furnished to the SSC on November 21, 1975. The FBI is now furnishing a copy of a report of interview of Fischer-Galati by the FBI on January 26, 1970.

U. S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Zdenek Cerveny, Francesca Stein, Professor Joyce Lebra and Professor Stephen Fischer-Galati were contacted by the FBI in the matter involving the alleged impersonation of a Federal officer by Mrs. Gloria (Galya) Tannenbaum.

17. Question: Does the FBI have knowledge about Riha's connections with the Treasure Tours International Travel Agency in Montreal Canada, and what is the significance of this connection?

Answer: The FBI does not have any knowledge about Riha's connections with the Treasure Tours International Travel Agency in Montreal, Canada.

18. Question: Does the FBI have knowledge of Riha's connections with the World University Service in Chicago and with Susan Kresge, one of the officials of this organization?

Answer: The FBI does not have any knowledge of Riha's connections with the World University Service in Chicago or with Susan Kresge.

19. Question: Were FBI agents trailing Riha early in 1969, especially in late February and early March? If so, why?

Answer: FBI Agents were not trailing Riha at any time.

1 - The Attorney General

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE
ACTIVITIES (SSC)

NOTE:

Zdenek Cerveny and Francesca Stein were interviewed at Lyons, Colorado, 1/21/70, by Special Agents Merrill R. Smith and J. Hale McMenamin. Joyce Lebra was interviewed by the same Agents on 1/21/70 at Boulder, Colorado.

Professor Donald Fanger is the subject of Security Matter - C, Bureau file 100-408465, opened in January, 1954, when there was indication he supported Communist Party policies and closed 1964 when investigation indicated he did not qualify under Bureau's criteria for inclusion on the Security Index and his activities did not appear to warrant investigation. The only known connection between Fanger and Riha is that they were both included in a group of American graduate students selected to attend Moscow or Lenigrad University in 1958-1959 in exchange for twenty Soviet graduate students.

Professor Oldrich Leska is the subject of Internal Security - Czechoslovakia, Bureau file 105-19779. Leska, born 6/16/27 Czechoslovakia, was in the U. S. from 7/17/68 to 9/5/68 and again from 10/15/68 until 6/8/70 when he returned to Czechoslovakia. He was in the U. S. under the East-West Exchange Program. During the earlier visit and from October, 1968, until the Summer of 1969, he was at the University of Colorado, Boulder, Colorado, and from the Summer of 1969 until June, 1970, he was at the University of Chicago, Chicago, Illinois. The file was opened on the basis of an unusual telephone call received by a third party from Ljubo Majhanovich. Apparently Majhanovich, then living in Toronto, Canada, had attended the University of Colorado from 1966-69 where he had become friendly with Leska. Majhanovich was born in Yugoslavia, (S)

NOTE CONTINUED PAGE TWELVE

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS
WITH RESPECT TO INTELLIGENCE
ACTIVITIES (SSC)

NOTE CONTINUED:

attended Moscow University 1963-64. He entered Canada 1954 and was granted Canadian citizenship in 1957. FBI and RCMP investigation did not uncover any intelligence activities on the part of either Leska or Majhanovich. There was no indication that either man had any contact with Riha while they were at the University of Colorado. (S) ~~(Secret)~~

Professor Stephen Fischer-Galati is the subject of Special Inquiry - State Department, Bureau file 123-8971 and Internal Security - Romania, Bureau file 105-98294. There are numerous other references to Fischer-Galati in Bureau files. [He has been in periodic routine contact with the Romanian Embassy and contacts were not of known security significance] (S) He communicated with the Justice Department 4/7/69 concerning the disappearance of Riha and also wrote to the Vice President of the U. S. concerning Riha's disappearance. (Confidential)

This note has been classified "Secret" in accordance with the classification given to communications received from the RCMP. (S)

~~Classified by 6283, XGDS 1 and 3, date of declassification indefinite.~~

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2-27-76

Caption of Document: U.S. SENATE SELECT COMMITTEE (SSC) (SSC letter 11-7-75) Re Thomas Riha

Originating Office: FBI

Delivered by: [signature] Date: 3/2/76

Received by: [signature]

Title: [signature]

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/24/01 BY SP2ALM/KP

ENCLOSURE 62-116395-1461

CLASSIFY AS APPROPRIATE

TE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: **FBI**

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED *(check appropriate term. If a document was made available for review but not transmitted, so note.)*

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2/27/76

3. TO WHOM PROVIDED *(check appropriate term; add specific names if appropriate)*

X	SSC
	HSC

4. IDENTIFICATION *(provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject)*

Memorandum and enclosures

5. IN RESPONSE TO *(list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.)*

SSC letter 11/7/75

6. CLASSIFICATION OF INFORMATION *(enter U, C, S, TS or Codeword)*

U

7. KEY WORDS *(enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis)*

Information handling
Operating procedures

8. SUMMARY *(see reverse side before completing this item)*

Information relating to disappearance of Mr. Thomas Riha.
Response to 19 questions posed by SSC request.

ALL INFORMATION CONTAINED
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DATE 1/24/01 BY SP2ALM/KP

62-116395

SJM:lhb ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
(4) IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5-?

3791 (6-75)

CLASSIFY AS APPROPRIATE

62-116395-1441

INSTRUCTIONS

- Type or print clearly in ink.

- Indicate classification of the abstract top and bottom.

- Date the abstract and put on any internal control numbers required.

- "FROM" entry should clearly identify the organization providing the information.

- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

SSC LETTER TO DEPARTMENT OF JUSTICE,
11/7/75

CONCERNING DISAPPEARANCE OF
THOMAS RIHA

RETAIN

62-116395-1161
ENCLOSURE

Date: January 27, 1970

1

ZDENEK CERVENY, care of Black Bear Inn, Lyons, Colorado, was interviewed at this establishment and advised he was born December 5, 1938, in Jihlava, Czechoslovakia, and holds a Master's degree in Mechanical Engineering from the Czechoslovakia Technical University, Prague, Czechoslovakia. He stated he is the nephew of THOMAS RIHA, a Professor of Russian History at the University of Colorado, Boulder, Colorado. He is currently employed as a plant engineer with the Martin-Marietta Cement Company in Lyons, Colorado.

According to CERVENY, he came to the United States on November 8, 1968, from Vienna, Austria, destined for the residence of his uncle in Boulder, Colorado. He stated that upon arrival in New York City, he spent several days at the residence of Mr. and Mrs. R. V. GROSSMAN in Brooklyn, New York, who are the aunt and uncle of HANA RIHA, the former wife of THOMAS RIHA.

CERVENY continued that he arrived in Denver, Colorado, via Greyhound Bus on November 16, 1968, and immediately called THOMAS RIHA at his residence in Boulder. He was advised by RIHA that he would be unable to come to Denver to drive him back to Boulder, but that he would have a friend meet him at the bus station. He stated that approximately one hour later a woman who introduced herself as GALYA TANNENBAUM approached him at the bus station and thereafter drove him to the residence of THOMAS RIHA at 1655 - 6th Street, Boulder, Colorado. He advised that after TANNENBAUM departed the RIHA residence, his uncle told him that she was a very important person, and the one who had been influential in getting him into the United States.

CERVENY stated he resided with RIHA from November 16, 1968, until January 8, 1969, when he moved to 918 South Logan Street, Denver, Colorado, in order to be closer to the Samsonite Company where he had secured employment in the Research and Development Laboratory. During the period he resided with his uncle, TANNENBAUM visited this residence on several occasions, and on almost every instance reminded him that she was an officer in Military Intelligence; very influential with authorities of the United States Immigration and Naturalization Service; and that if he did not behave himself in the United States, she would have him sent back to Czechoslovakia. CERVENY stated he never was certain

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

On 1/21/70 at Lyons, Colorado File # Denver 47-3190

by SA'S MERRILL R. SMITH and [illegible] Date dictated 1/23/70

what, if anything, TANNENBAUM actually did in connection with his being admitted to the United States, as the matter, to his knowledge, was handled by a Czechoslovakian Refugee Committee in New York City.

CERVENY went on to state that after he moved to Denver he did not see TANNENBAUM again until March 13, 1969, when she called him on the telephone and suggested he come to her residence at 248 Logan Street, where his uncle was also visiting her. He stated when he arrived at her house, his uncle seemed depressed and upset over the fact that he was having marital difficulties with HANA, and that the marriage would probably terminate in divorce. He stated the purpose of his being invited to TANNENBAUM's residence appeared to emanate from a desire of his uncle to see him, but that nothing of importance occurred during the visit.

Following the disappearance of his uncle on March 15, 1969, he stated TANNENBAUM commenced asking him over to her house on the pretense of checking up on his immigrant status; however, it became immediately apparent that the principal purpose of these invitations was an attempt on the part of TANNENBAUM to have sexual relations with him. He pointed out there were times when he entered her residence when she would be partially unclothed, would attempt to sit on his lap, sit close to him while watching television, or would openly suggest that they go to her bedroom for the purpose of having sexual intercourse. CERVENY stated TANNENBAUM was physically repulsive to him, and that he would find an immediate excuse to leave when she commenced making sexual advances to him.

During the period when he was visiting the TANNENBAUM residence, CERVENY advised she suggested that she adopt him, and actually started adoption proceedings through an attorney in Denver, STEPHEN L. R. MC NICHOLS, JR.; however, he stated he had no desire whatsoever to go through with this, and told TANNENBAUM so. He stated it was about this time that he began to suspect that TANNENBAUM had no connection with Military Intelligence or had any influence over his immigration status.

He stated that in May, 1969, he desired to go to Toronto, Canada, to attent a wedding of some Czechoslovakian friends, and he inquired of TANNENBAUM if such would be legal for him to do. He stated she told him there was nothing for him to worry about; however, she suggested he consult with Immigration authorities in Denver regarding this trip. According to CERVENY, TANNENBAUM accompanied him to the Federal Building in Denver, but refused to [illegible] officers with him, giving some excuse that she did not want them to [illegible] his case. He [illegible]

the United States for Canada, he would not be able to return. When he informed TANNENBAUM of this, she told him that she had more authority than the Immigration officials, and advised him to go to Canada regardless, as she outranked the officials in Denver. CERVENY then made the trip to Canada without incident, and learned later that he was actually just fortunate that he was not required to produce citizenship papers at any time.

In addition, CERVENY stated that in May, 1969, he met a Czechoslovakian girl in Colorado Springs by the name of MICHEL BDLIKOVA, who was working at the Broadmoor Hotel, and whom he eventually introduced to TANNENBAUM. He stated that TANNENBAUM immediately told the girl of her Military Intelligence and Immigration connections, and advised her that she could arrange to get her a passport to visit relatives in Czechoslovakia. He stated that in October, 1969, BDLIKOVA told him that TANNENBAUM had recently approached her with a letter written in English purportedly from THOMAS RIHA to CERVENY. He stated BDLIKOVA was asked by TANNENBAUM to rewrite the letter in Czechoslovakian, and that he eventually received this letter postmarked from somewhere in Canada. He felt at the time he received the letter that it had not been written by his uncle, and when he was advised by BDLIKOVA that the letter was a hoax, he began to feel that TANNENBAUM was a fraud and that his uncle's disappearance could have been for reasons other than marital discord. He stated that immeidately after being told of the letter by BDLIKOVA in October, 1969, he filed a missing persons notice with the Boulder, Colorado Police Department the following day. He stated the last time he saw TANNENBAUM was just before or after he made this report to the Boulder Police Department.

With regard to CERVENY's association with GALYA TANNENBAUM, he recalled that on several occasions she told him that she would like to recruit him into Military Intelligence, as his engineering background and language ability would be "extremely useful to us." She also told him that if he were in the United States "working for the other side," she would shoot him. TANNENBAUM also told CERVENY that she had originally met THOMAS RIHA in Chicago, and that after she came to Colorado, he followed her for the purpose of marrying her; however, the marriage did not take place as RIHA was unable to get along with her children. He stated that upon reflection, he feels that his uncle actually believed that TANNENBAUM was connected in some official capacity with the United States Government, and that there was something in their relationship which he feels gave TANNENBAUM some type of influence over the actions of his uncle; however, in conversation with both his uncle and TANNENBAUM, he can recall nothing of a concrete nature, and that this feeling is probably a result of intuition more than [illegible]

CERVENY also recalled that in December, 1968, his father visited him, and during the visit, showed him a diamond brace let which he had smuggled into the United States for the purpose of selling for a relative in Czechoslovakia. He stated his father had previously corresponded with another individual by the name of RIHA in San Antonio, Texas, who was no relation to his uncle, but whom his father had known in Czechoslovakia. According to CERVENY, his father made a trip to San Antonio to leave this bracelet with the RIHA in San Antonio for him to attempt to sell; however, the bracelet was eventually returned to CERVENY from the RIHA in San Antonio, who advised him he could locate no buyer. Thereafter, he showed the bracelet to TANNENBAUM, who indicated a desire to buy it. Both went to a jeweler in the Denver Hilton Hotel, who appriased the bracelet at $350. TANNENBAUM, however, offered him $500 for the bracelet, and actually paid him $400 in cash with a promise to pay him an additional $100 later, which he never received.

CERVENY recalled another incident which furthered his suspicions of TANNENBAUM in regard to a will which he witnessed at her insistence. By way of background, he explained that in the spring of 1969, TANNENBAUM introduced him to an elderly man by the name of GUSTAV FREDERICH INGWERSEN, a plastics engineer and a native of Germany, who owned some type of plastics plant in Denver, Colorado. He stated he had formerly done some work in plastics, and TANNENBAUM suggested that INGWERSEN might help him get established in this field. As a result of this meeting, CERVENY became friendly with INGWERSEN, and in the company of TANNENBAUM and her two children, made two vacation trips to New Mexico with him. He stated these trips were in either April or May, 1969, and in June, 1969, TANNENBAUM advised him that INGWERSEN had died. Then on July 5, 1969, TANNENBAUM had him visit her residence where she told him that INGWERSEN had drawn up a will and signed it prior to his death, but had neglected to have two witnesses sign it in accordance with Colorado law. She said that INGWERSEN liked CERVENY and had intended to ask him to witness the will, but had died before this could be accomplished. She then coaxed him for over an hour to witness this document, and still believing she was a bona fide official in some Governmental capacity, he affixed his signature to the will.

CERVENY concluded by stating that TANNENBAUM had never obtained anything of value from him as a result of her representations as an officer in Military Intelligence, and the longer

he remained in the United States and became acquainted with life in this country, the more suspicious he became that TANNENBAUM was in some way attempting to eventually try to capitalize in some way on his immigrant status. He again pointed out, however, that to his knowledge, TANNENBAUM was never able to materially obtain anything of value from him.

1

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/24/01 BY SP2ALM/KP

Date January 27, 1970

Mrs. FRANCESCA STEIN, nee Friedel, owner of the Black Bear Inn, Lyons, Colorado, advised she is a citizen of Czechoslovakia, and has been in the United States for approximately four years. She stated that in about October, 1967, a Mr. STABEN, a visiting Professor from France at the University of Colorado, Boulder, Colorado, and a frequent customer at the Black Bear Inn, introduced her to a Professor of History at the University of Colorado by the name of THOMAS RIHA, also a native of Czechoslovakia, and that thereafter she and her husband became friendly with RIHA.

Mrs. STEIN advised that in April, 1968, RIHA visited the restaurant in the company of a Czechoslovakian citizen by the name of JIRI CERVENY, who advised her that he had a son, ZDENEK CERVENY, who had recently escaped from Czechoslovakia into Vienna, Austria. She stated JIRI CERVENY was from Prague and that ZDENEK CERVENY is a nephew of RIHA. They inquired if Mrs. STEIN would be able to assist his son in coming to the United States, particularly with regard to obtaining employment for him. Mrs. STEIN advised both RIHA and CERVENY that she would attempt to assist in this endeavor through her attorney, PAUL MORRIS, in Boulder, Colorado.

Mrs. STEIN recalled that in September, 1968, MORRIS and RIHA visited her residence in Lyons concerning ZDENEK CERVENY, at which time MORRIS told her that he knew a woman from Denver, Colorado, by the name of GALYA TANNENBAUM who had a great deal of influence in the Government, and who was referred to by RIHA as "Colonel." She stated that MORRIS and RIHA advised her that TANNENBAUM would be able to assist them in getting ZDENEK CERVENY into the United States.

According to Mrs. STEIN, shortly after this meeting with MORRIS and RIHA, TANNENBAUM visited the restaurant in Lyons to discuss the bringing of ZDENEK CERVENY to the United States. She told Mrs. STEIN it would be necessary to first check out Mrs. STEIN and RIHA for security purposes before bringing CERVENY into this country. She told her that she was a "Colonel in the Immigration," and showed her a small hand gun which she had in her purse. During this conversation, TANNENBAUM told Mrs. STEIN that she belonged to an extermination group which killed people after the second World War. Mrs. STEIN stated she considered TANNENBAUM to be a "nut" and did not pursue the matter any further with her, pointing out that

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On 1/22/70 at Lyons, Colorado File # Denver 47-6139

[illegible]

Date dictated 1/2[illegible]

as far as she was concerned, the immigration matter concerning CERVENY would be handled by her attorney, PAUL MORRIS.

Mrs. STEIN continued that in October, 1968, RIHA married a young Czechoslovakian girl by the name of HANA HRUSKOVA, and that subsequent to the marriage, a reception was held at the Black Bear Inn. She stated that while the reception was in progress, TANNENBAUM appeared, uninvited, and immediately sought out RIHA, took him to the bar section of the restaurant, and commenced a long, serious conversation with him which lasted for approximately one hour. She stated that RIHA's bride became extremely upset over this, as TANNENBAUM would not allow anyone to interrupt their conversation. Mrs. STEIN advised that on one occasion she went into the bar to tell RIHA that his bride was becoming very upset, and was answered in an angry manner by TANNENBAUM to "leave them alone." Following this conversation, the content of which is unknown to Mrs. STEIN, she stated RIHA appeared to be extremely upset, and although TANNENBAUM left immediately, RIHA seemed to have lost all interest in the reception.

Following the incident during the wedding reception, Mrs. STEIN advised that TANNENBAUM again visited her at the Black Bear Inn concerning the immigration case of ZDENEK CERVENY, during which she mentioned to TANNENBAUM that she owned some property in Lyons on which she desired to build an apartment house. At this time TANNENBAUM told her that she was a Colonel in Military Intelligence, and was soon to be promoted to the rank of General. She told Mrs. STEIN that she could utilize some influence in securing an FHA loan for her; that she had the authority to deport her at any time; and intimated to Mrs. STEIN that for a percentage of the loan obtained, she would obtain same; and if Mrs. STEIN did not agree to this arangement, she would have her deported. Mrs. STEIN again pointed out that she considered TANNENBAUM a "nut," and told her that all of immigration and business dealings were handled through her attorney.

Mrs. STEIN stated that to the best of her recollection, the above was the last time she saw TANNENBAUM, and in February, 1969, she made a trip to Columbia, South America, where she had resided for approximately ten years before coming to the United States, and did not again return to Lyons until March 18, 1969, following the disappearance of RIHA from Boulder, Colorado, on March 15, 1969.

Mrs. STEIN stated she did not believe the representations made by TANNENBAUM that she was connected with the United States Immigration Service, or with Military Intelligence, and that she obtained nothing of value from her.

Mrs. STEIN advised that ZDENEK CERVENY eventually came to the United States in November, 1968, and to the best of her knowledge, TANNENBAUM had nothing to do with his entry into this country.

FEDERAL BUREAU OF INVESTIGATION

Date February 3, 1970

Miss JOYCE LEBRA, Associate Professor of History, University of Colorado, Boulder, Colorado, 1590 Hillside Drive, Boulder, advised she is a colleague of THOMAS RIHA in the Department of History and considers herself a close personal friend.

At the outset of the interview, it was explained to LEBRA that the purpose of the interview was to ascertain any available information from her concerning Mrs. GALYA TANNENBAUM on whom this Bureau is conducting an investigation under the Federal Impersonation Statute.

Miss LEBRA advised that to the best of her recollection RIHA never did mention anyone to her by the name of TANNENBAUM or any individual connected with Military Intelligence or the United States Immigration and Naturalization Service. She stated that if TANNENBAUM had been a close friend of RIHA's, this fact would probably have been known to her, as she and RIHA generally associated with the same circle of friends in the University community.

On 1/29/70 at Boulder, Colorado File # Denver 47-3190

by

1

Date: January 28, 1970

STEPHEN FISCHER-GALATI, Professor, Department of History, University of Colorado, advised that he had just returned from a European trip. He recalled first meeting Professor THOMAS RIHA sometime in 1966 at a meeting of the American Historical Society in San Francisco. He advised he also had heard of RIHA prior to their meeting. He advised that after RIHA came to the University of Colorado he knew him as a fellow faculty member of the Department of History and had dinner with him on two or three occasions. He advised their relationship was casual and could not have been considered a profound relationship.

FISCHER-GALATI advised he first met GALYA TANNENBAUM sometime in May, 1969, after the disappearance of Professor RIHA. He advised his object in meeting TANNENBAUM was to determine if she were a "colonel" as described in hearsay. He advised he was convinced she was not connected with any kind of intelligence work and knew nothing of Eastern European history. He recalled that TANNENBAUM stated she had known RIHA for many years and indicated she had helped RIHA come to the United States but gave no further explanation. He also recalled that TANNENBAUM displayed a "Power of Attorney" document which was contained in a letter allegedly signed by TOM RIHA. He advised the most significant part of the document to him was the date of same, which he easily recalled as January 5. 1968. FISCHER-GALATI pointed out that January 5, 1968, is the date of the overthrow of the Czechoslovakian Government, at which time NOVOTONY was replaced by DUBCEK, and at this same time the official who was in control of passports disappeared and subsequently showed up in Montreal, Canada. He recalled that TANNENBAUM indicated she carried a gun in her purse and that her car had some special equipment, but TANNENBAUM did not elaborate further. He advised that TANNENBAUM was extremely careful in her conversations with him and made no allegations.

FISCHER-GALATI advised his second meeting with TANNENBAUM occured on October 1, 1969, at 2:15 p.m., same obtained from his notebook. He recalled that TANNENBAUM called him on the telephone and arranged to meet him in front of the Colorado Book Store in Boulder. He recalled that her car was parked legally at the aforementioned location. He recalled that she was anxious to determine why a check had "bounced" in RIHA's bank account. He recalled she wanted to know if the University was continuing to deposit RIHA's salary to his bank account, as all University faculty

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On 1/26/70 at Boulder, Colorado File # Denver 67-3190

by [illegible] Date dictated [illegible]

are paid, and she also wanted to see the receipt for the deposit of his salary per University records. He advised he had determined a discrepancy existed between what the University claimed to put into the account and what they actually put into RIHA's account. He advised at this meeting TANNENBAUM did not discuss RIHA's whereabouts.

He recalled his third meeting with TANNENBAUM occured about five days later at the same location, although this time TANNENBAUM was accompanied by a small female child about three years of age. He advised her of the amount the University had deposited to RIHA's account. At this time TANNENBAUM told him her real name was not GALYA TANNENBAUM, but something else which she did not disclose, and added that she was about ready to leave town. He advised of no contact with TANNENBAUM since their last meeting.

STEPHEN FISCHER-GALATI advised that the date of the document mentioned above of January 5, 1968, and its historical significance disturbs him. He stated if RIHA was not "bumped off" by TANNENBAUM, then he assumes that RIHA's disappearance may have been connected with an unknown intelligence matter, which is pure conjecture on his part. FISCHER-GALATI also recalled that in September, 1968, Professor RIHA requested that an advertisement for a travel bureau be run in the "Eastern European Quarterly," which GALATI described as an international journal to promote cultural contact with Eastern European Countries. He advised RIHA did not indicate if the advertisement was run for a friend or if RIHA had any financial interest in the travel agency named Treasure Tours, 1010 St. Catherine Way, Montreal, Quebec, Canada. FISCHER-GALATI advised that because of the reasons mentioned, he sometimes believes that RIHA could be in Canada.

Professor FISCHER-GALATI advised that in April, 1969, he contacted a Mr. FRITZ of the Central Intelligence Agency (CIA), Denver, Colorado, regarding the sudden leaving of Professor THOMAS RIHA of the University of Colorado. Mr. FRITZ advised him that he had no knowledge of the matter but would check into same. Professor FISCHER-GALATI stated he was later recontacted by FRITZ, who stated the disappearance had nothing to do with the CIA and that RIHA's leaving was a personal matter connected with personal problems.

Professor FISCHER-GALATI explained that in the absence of a complete denial by Mr. FRITZ that the CIA had any dealings with RIHA at any time, he, therefore, concluded and was convinced the information furnished by Mr. FRITZ did not represent a personal opinion but must have come from within the CIA. He added that inasmuch as it then appeared to him that RIHA had left voluntarily, he also concluded he had no reason to fear for the safety of RIHA. Professor FISCHER-GALATI said that if he had been subsequently quoted in the "Colorado Daily" or any other newspaper as saying that RIHA had left voluntarily and was safe, such quotation would have been correct.

Professor FISCHER-GALATI continued that he did not feel, however, that the explanation about RIHA was adequate and for that reason subsequently directed a letter to the Chief of the Foreign Agents Registration section within the Justice Department, whom he knew well. He thereafter received a reply that the Chief to whom he directed the letter was deceased.

He stated he thereafter directed a second letter to the same section mentioned above within the Justice Department in mid-December, 1969, again inquiring about RIHA, but as yet has received no reply.

He stated he did not know of anything of value ever received by TANNENBAUM as a result of any representation.

2 - M[redacted] J. A. Mintz
(1 - Mr. P. V. Daly)
1 - Mr. W. R. Wannall
1 - Mr. J. G. Deegan

February 26, 1976

The Attorney General

1 - Mr. W. O. Cregar
1 - Mr. S. J. Miller

Director, FBI

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated February 19, 1976, requesting certain FBI materials.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum responsive to that request.

A copy of the memorandum is also enclosed for your records.

Enclosures (2) ENCLOSURE

62-116395

REC. 112 62-116395-1460X

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

7 MAR 30 1976

SJM:lhb/hb
(10)

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84 APR 2 1976

GPO : 1975 O - 594-120

2 - Mr. [redacted] A. Mintz
(1 - Mr. P. V. Daly)
1 - Mr. W. R. Wannall
1 - Mr. J. G. Deegan
1 - Mr. W. O. Cregar
1 - Mr. S. J. Miller

62-116395

February 26, 1976

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated February 19, 1976, requesting delivery of certain materials pertaining to the Secret Army Organization and the role of an FBI informant therein.

This is to effect delivery of the requested materials.

1 - The Attorney General

SJM:lhb lhb
(9) ORIGINAL AND ONE COPY TO AG

NOTE:

In response to a 1/20/76 SSC request, access was given to materials pertaining to Howard Barry Godfrey and the Secret Army Organization. SSC Staff Member Sam Bouchard, upon completion of his review of these materials, identified certain serials therefrom and subsequently made the request for delivery set out in the LHM.

Assoc. Dir. ____
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Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
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62-116395-1160X

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GPO : 1975 O - 594-120

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2/26/76

Caption of Document: U. S. Senate Select Committee (SSC). (SSC Letter 2/19/76)
Secret Army Organization.

Originating Office: FBI

Delivered by: [signature] Date: 3/2/76

Received by: [signature]

Title: Security Director

Return this receipt to the Intelligence Division, FBI

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DATE 1/24/01 BY SP2ALMVP

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TE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2/26/76

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum and enclosure

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 2/19/76

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Information handling
Operating procedures

8. SUMMARY (*see reverse side before completing this item*)

Material regarding Secret Army Organization and the role of an FBI informant therein.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/24/01 BY SP2ALM/KP

62-116395

SJM:lhb ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX
(4) IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

3791 (6-75)

CLASSIFY AS APPROPRIATE

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

~~SECRET~~

FEB 23 1976

TELETYPE

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Legal Coun.
Telephone Rm.
Director Sec'y

NR 002 SD CODED

4:55 PM, FEBRUARY 23, 1976 IMMEDIATE BMW

TO: DIRECTOR, FBI (62-116395)

FROM: SAN DIEGO (66-1714) (P)

~~C O N F I D E N T I A L~~

#MDR-16 2/7/01
CLASSIFIED BY NLS/ALM/KP 60267AAG
DECLASSIFY ON: 25X 1

SENSTUDY.

REBUTEL, FEBRUARY 23, 1976.

REVIEW OF SAN DIEGO FILES FITTING CRITERIA SET FORTH IN REBUTEL INDICATE FOLLOWING CASE MST CLOSELY FIT.

CAPTIONED "OVERCAST", BUFILE 65-68052, SD FILES 65-2164 AND 134-761. THIS WAS A HIGHLY SENSITIVE JOINT OPERATION INVOLVING BOTH CIA AND FBI AND WAS HANDLE BY FORMER SA ARNOLD D. ORRANTIA. ~~(S)~~

FOLLOWING CASES LIKEWISE FIT CRITERIA TO SOME EXTENT:

(1) HARACIO SANDOVAL AMADOR, IS - MEXICO, BUFILE 100-394608, SD FILE 134-7. THIS INVOLVES FORMER SD 852-S, OPERATIONAL 1952 TO 1958, HANDLED BY SA ARNOLD D. ORRANTIA.

62-116395-1460

REC-110

(2) COUNTERINTELLIGENCE - BORDER COVERAGE PROGRAM, BUFILE 100-434445-46, SD FILE 100-12363, ASSIGNED FORMER SA ORRANTIA, 1/9/61 TO 5/6/71, WHEN IT WAS CLOSED. THIS

7 MAR 9 1976

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE

Re SSC request dated 2/19/76 for access. Response discussed w/ SSC representative P. Wallach 3/2/76 by SA J.W. Johnson: no further interest JWS

~~SECRET~~

SECRET

SD 66-1714 PAGE TWO ~~CONFIDENTIAL~~

PRIMARILY INVOLVED COINTELPRO MATTERS DIRECTED AGAINST COMMUNIST PARTY OF MEXICO AND NATIONAL LIBRATION MOVEMENT (MLN) IN MEXICO.

(3) BOCOV, BUFILE 100-356015, SDFILE 100-6923, ASSIGNED FORMER SA ORRANTIA, 6/18/58 TO 6/10/65.

ALL ABOVE MENTIONED CASES INVOLVED SENSITIVE SOURCES AND TECHNIQUES AND SHOULD BE AFFORDED APPROPRIATE HANDLING.

~~CLASSIFIED BY 3392, XGDS 2 AND 3, INDEFINITE~~.

END..

CBL FBIHQ

SECRET

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

February 20, 1976

1 - Mr. J. G. Deegan
1 - Mr. T. J. McNiff

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

1 - Mr. J. P. Graham

Reference is made to SSC letter dated February 11, 1976, requesting the names of the Federal Bureau of Investigation (FBI) personnel responsible for the preparation of certain Bureau memoranda and requesting that arrangements be made for interview of these persons by SSC Staff Members. Reference is also made to SSC telephone call February 18, 1976, in which the identity of the person responsible for preparation of Special Agent in Charge (SAC), Los Angeles, airtel to Director, FBI, dated May 26, 1970, under the same caption as above memoranda was requested.

All San Diego communications cited in referenced letter were authored by Special Agent (SA) Roy L. Burns, who is currently assigned to the Billings, Montana, Resident Agency in the territory covered by our Butte Field Office.

All Los Angeles communications cited in referenced letter were authored by former SA Leroy W. Sheets. Mr. Sheets is now retired and he may possibly be residing at 5725 - 72nd Street, N. E., Marysville, Washington.

Memorandum Director, FBI, to SAC, Los Angeles, October 31, 1968, was authored by SA William D. Neumann, who is now assigned as Assistant SAC in our Minneapolis Field Office.

SAC, Los Angeles airtel to Director, FBI, May 26, 1970, was authored by SA Richard W. Held, who is currently assigned to FBI Headquarters.

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Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

JPG:eks
(11)

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

62-116395-1150

ORIGINAL AND ONE COPY TO AG

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

Messrs. Neumann, Held and Burns will be notified of the SSC's desire to interview them in connection with these memoranda. Mr. Held is currently in an official travel status and will remain in such status until the first week of March.

1 - The Attorney General

5-240 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2-20-76

Caption of Document: U.S. SENATE SELECT COMMITTEE
(SSC let 2-11-76)

Originating Office: FBI

Delivered by: [signature] Date: 2/27/76

Received by: [signature]

Title: Clerk

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
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DATE 1/19/01 BY SP2ALM/KP

62-116395-1459

ENCLOSURE

CLASSIFY AS APPROPRIATE

SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2/20/76

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 2/11/76

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Operating Procedures
Information Handling

8. SUMMARY (*see reverse side before completing this item*)

Names of FBI personnel responsible for preparation of certain memoranda and arrangements for SSC interviews.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/01 BY SP2ALM/KP

62-116395

SJM:lhb
(4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5 ...

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE 62-116395-1457

183-10277

INSTRUCTIONS

- Type or print clearly in ink.

- Indicate classification of the abstract top and bottom.

- Date the abstract and put on any internal control numbers required.

- "FROM" entry should clearly identify the organization providing the information.

- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)

The Attorney General

February 20, 1976

Director, FBI

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. J. G. Deegan
1 - Mr. T. J. McNiff
1 - Mr. J. P. Graham

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to SSC letter dated February 11, 1976, requesting the names of Federal Bureau of Investigation (FBI) personnel responsible for the preparation of certain Bureau memoranda and requesting that arrangements be made for these persons to be interviewed by SSC Staff Members. Reference is also made to SSC telephone call February 18, 1976, in which the identity of the person responsible for preparing Special Agent in Charge, Los Angeles, airtel to Director, FBI, dated May 26, 1970, under the same caption as above memoranda was requested.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum which constitutes a response to the request contained in referenced SSC letter and telephone call.

A copy of the above memorandum is being furnished for your records.

62-116395-1459

Enclosures (2)

62-116395

7 MAR 9 1976

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
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Director Sec'y ___

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(12)

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SEE NOTE PAGE 2

Delivered to Dept
2/24/76

84 MAR 11 1976

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 569-920

The Attorney General

NOTE:

Referenced SSC letter indicated that certain portions of Bureau memoranda and airtels may be quoted in the SSC's final report on FBI intelligence operations and that the SSC was seeking to take the testimony of persons whose memoranda and statements might be quoted in that report. The memoranda referred to in referenced SSC letter and telephone call pertain to the FBI's role in the "gang war" between the Black Panther Party and the US Organization.

1 - Mr. Mintz
1 - Mr. Leavitt
1 - Mr. Cregar

The Attorney General

March 3, 1976

1 - Mr. Blunt
1 - Mr. Thornton
1 - Mr. Coulson

Director, FBI

SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to memorandum of Steven K. Blackhurst, Assistant Special Counsel for Intelligence Coordination, to John A. Mintz, Assistant Director, Legal Counsel Division, FBI, dated February 20, 1976, enclosing SSC letter dated February 18, 1976.

Referenced letter requests interviews with FBI Agents of the Chicago Office who prepared memoranda concerning the Black Panther Party.

In view of current civil litigation involving members of the Black Panther Party, and Agents of the FBI, it is felt that it would not be proper to make these Agents available for interview by the SSC at this time.

The FBI is in agreement with the Department's view that a proper response would be to allow the SSC to review transcripts of the Agents' testimony at the trial, concerning these memoranda.

REC-110 62-116395-1457

Delivered to Dept 3-4-76 JCS/JAD

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

7 MAR 9 1976

NOTE: SAs Stanley, McCabe, and Mitchell are all to be called as witnesses in civil trial in Chicago. Chicago letters to the Director dated 12/16/68, and 1/13/69, were written by SA Stanley. The author of the letter of 3/14/69, has not been determined.

Assoc. Dir. ——
Dep. AD Adm. ——
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Director Sec'y ——

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ENCLOSURE

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GPO : 1975 O - 569-920

FICE OF THE DEPUTY ATTORNEY C ERAL
WASHINGTON, D.C. 20530

FEB 20 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Steven K. Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SB

SUBJECT: SSC Letter Dated February 18, 1976

Attached is a letter from the Senate Select Committee dated February 18, 1976, which requests interviews with FBI agents who wrote various memoranda concerning the Black Panther Party in Chicago. Because such interviews might impair the Department's ability to conduct a defense in the Hampton trial, in Chicago, I have asked the Department attorneys handling that case to give us their views on an appropriate response to Senator Church's letter. One possible response would be to provide the SSC with the transcripts of the FBI agents testimony at the trial concerning these memoranda, instead of allowing the SSC to interview these agents. We would appreciate it if the FBI would also consider what response would be appropriate to this letter.

Memo ~~Let~~ to AG cc DAG 3-2-76 DOC:MCZ

ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP8ALMKP

cc: Paul Daly

5

ENCLOSURE

62-116395-1457

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

February 18, 1976

The Honorable Edward H. Levi
Attorney General of the United States
United States Department of Justice
Washington, D. C. 20530

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/01 BY SP8ALM KP

Dear Mr. Attorney General:

As a part of the Select Committee on Intelligence's preparation of a final report on FBI domestic intelligence operations, we will be seeking to take the testimony of persons whose memoranda and statements might be quoted in that report.

In our investigation into the FBI's counterintelligence activities against the Black Panther Party in Chicago certain Bureau memoranda and Airtels may be quoted. The following is a list of these documents. Actual copies, received by the Select Committee from the FBI, are also enclosed.

Memorandum SAC, Chicago to Director, FBI 12/16/68
Memorandum SAC, Chicago to Director, FBI 1/13/69
Memorandum SAC, Chicago to Director, FBI 3/14/69

The Select Committee staff believes that Special Agents Joseph Stanley, Joseph McCabe, and Roy Martin Mitchell were responsible for these memoranda and we would appreciate your forwarding to us the names of other FBI personnel responsible for their preparation. We would also like you to make the necessary arrangements for Select Committee staff to be able to interview these persons.

Your prompt attention to this matter will be greatly appreciated.

Yours very truly,

Frank Church
Frank Church
Chairman

RECEIVED
FEB 19 1976

ENCLOSURE

62-116395-1451

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. P. V. Daly)

The Attorney General

February 26, 1976

Director, FBI

1 - Mr. J. J. McDermott (Route Through for Review)
(Attn: J. M. Powers)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. T. J. McNiff

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

On February 13, 1976, the SSC held an Executive Session concerning "Domestic Intelligence Investigations." During the course of that Executive Session, one of the SSC Staff Members present made a request for this Bureau to furnish the SSC with copies of instructions sent by Headquarters to Bureau field divisions relative to the effect that the Privacy Act of 1974 would have upon Bureau investigations in the domestic intelligence area.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum, with enclosures, which is responsive to the request made at the above Executive Session. A copy of this memorandum, also with enclosures, is being furnished for your records.

Enclosures (10)

REC-104 62-116395-1452

62-116395

7 MAR 10 1976

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

Delivered to Dept 2-27-76 JDS/AD
Delivered to Committee 2-27-76.

TJM:lij
(11)

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DATE 1/19/01 BY SP2ALM

ENCLOSURE

"ENCLOSURE ATTACHED"

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Ext. Affairs
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Spec. Inv.
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Telephone Rm.
Director Sec'y

TO BE HAND-DELIVERED BY THE OFFICE OF CONGRESSIONAL AFFAIRS

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 594-120

84 MAR 11 1976

1 - Mr. J. B. Adams — - Mr. W. R. Wannall
2 - Mr. J. A. Mintz — - Mr. W. O. Cregar
(1 - Mr. P. V. Daly — - Mr. T. J. McNiff
1 - Mr. J. J. McDermott (Route Through
(Attn: J. M. Powers) — for Review)

62-116395

February 26, 1976

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

At the SSC Executive Session held February 13, 1976, concerning "Domestic Intelligence Investigations," a discussion ensued between Bureau representatives and SSC Staff Members as to what effect the enactment of the Privacy Act of 1974 had on investigations conducted by the FBI relative to domestic subversive groups. On this occasion, one of the Staff Members present requested that this Bureau furnish the SSC with a copy of all instructions sent to Bureau field divisions by FBI Headquarters, which instructions would have a bearing on the conduct of this Bureau's "Domestic Intelligence Investigations."

Attached, in response to the above request, are copies of three Headquarters communications sent to Bureau field divisions containing instructions responsive to the above request. Also attached is one copy of a communication from our Richmond Division which prompted one of the above Headquarters communications.

Enclosures (4)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/01 BY

1 - The Attorney General

TJM:lij
(10)

ORIGINAL AND ONE COPY TO AG

NOTE:

See memorandum R. L. Shackelford to Mr. W. R. Wannall dated 2/17/76, captioned "Senstudy 75," which reported the results of the above-mentioned Executive Session and which recommended that the Senstudy Project Unit respond to the request made by an SSC Staff Member at the Executive Session. Materials being furnished the SSC as being responsive to their request was prepared by SA Stephen P. Riggin, Files and Communications Division.

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Director Sec'y ___

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 594-120

2 - [illegible]. J. A. Mintz
(1 -Mr. J. B. Hotis)
1 - Mr. W. R. Wannall

February 27, 1976

The Attorney General

1 - Mr. W. O. Cregar
1 - Mr. A. J. Duffin
1 - Mr. J. W. Johnson

Director, FBI

U. S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

Reference is made to the request of the SSC dated February 19, 1976, for access to FBI materials.

Attached is a memorandum which is a partial response to referenced request. Enclosed for your records is a copy of the memorandum prepared for the Committee.

Enclosures (2)

62-116395

1 - The Deputy Attorney General
Attention: Mr. Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

JWJ:emg
(10)

TO BE HAND-DELIVERED BY THE OFFICE OF CONGRESSIONAL AFFAIRS.

Delivered to Dept 2-20-76 JCS/AD
Delivered to Committee 2-27-76

REC- 104 62-116395-1451

MAR 10 1976

3 ENCLOSURE

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DATE 1/19/01 BY SP2ALM/KP

FEB 28 10 30 AM 1976

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MAIL ROOM ☐ TELETYPE UNIT ☐

GPO : 1975 O - 594-120

84 MAR 11 1976

2- Mr. J. A. Mintz
(1-Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

1 - Mr. A. J. Duffin
1 - Mr. J. W. Johnson

62-116395

February 27, 1976

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

Reference is made to the February 19, 1976, request by the SSC for access to FBI materials.

Item 2 of referenced SSC letter requested the following:

2. Access to all material pertaining to a Bureau "operation" against the Soviet Embassy in Mexico City run out of the San Diego Field Office in the early 1960's and involving SA Rinaldo Orrantina.

Materials considered to be responsive to the request of the SSC have been assembled and are available for review by SSC staff members in Room 4171, J. Edgar Hoover Building.

1 - The Attorney General

JWJ:emg
(9)

SEE NOTE PAGE TWO

ORIGINAL AND ONE FOR THE ATTORNEY GENERAL

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
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Telephone Rm. ____
Director Sec'y ____

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/01 BY SP2ALM/KP

62-116395-

MAIL ROOM ☐ TELETYPE UNIT ☐ ENCLOSURE

GPO : 1975 O - 594-120

RE: U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

NOTE:

It is believed the materials responsive to the SSC request pertains to the Overcast, Espionage - Russia case, Bureau file 65-68052 which consists of two sections. This material will be available to respond to questions posed by the SSC members and will preclude the Xeroxing of every serial in the file.

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2-27-76

Caption of Document: U.S. SENATE SELECT COMMITTEE (SSC)
(SSC request 2-19-76) Item V

Originating Office: FBI

Delivered by: [signature] Date: 2/27/76

Received by: Lynsey Oster

Title: Clerk

Return this receipt to the Intelligence Division, FBI

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/01 BY SP2ALM/KP

ENCLOSURE

62-116395-1:1

CLASSIFY AS APPROPRIATE

NOTE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: **FBI**

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED

2-27-76

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

SSC letter 2-19-76

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Information handling

8. SUMMARY (*see reverse side before completing this item*)

Access to material relating to Soviet Embassy, Mexico City.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2ALM/KP

62-116395

SJM:ds (4)

ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5-Mjd

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE 62-116395-1/1 1

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

OFFICE OF THE DEPUTY ATTORNEY GENERAL
WASHINGTON, D.C. 20530

MAR 8 1976

TO: John A. Mintz, Assistant Director
Legal Counsel Division
Federal Bureau of Investigation

FROM: Steven Blackhurst
Assistant Special Counsel for
Intelligence Coordination

SUBJECT: SSC Letter Dated March 5, 1976

The attached letter from the Senate Select Committee was discussed with Mr. Sam Miller of the Bureau on March 5, 1976. It requires no response unless the FBI has objections to the draft SSC report on mail opening.

REC-104 62-116395-1450

7 MAR 10 1976

ENCLOSURE

cc: Paul Daly

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DATE 1/19/01 BY SP2ALM

84 MAR 18 1976

FRANK CHURCH, IDAHO, CHAIRMAN
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FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

March 5, 1976

Michael E. Shaheen, Jr., Esquire
Office of Professional Responsibility
Room 4313
U.S. Department of Justice
Washington, D.C. 20530

Dear Mike:

On March 4, 1976, Mr. James Johnson of the FBI reviewed the Select Committee's draft titled "CIA and FBI Mail Opening." James Dick and Thomas Dawson of the Committee staff revised the draft to meet all security problems previously raised by Mr. James Lee of the Bureau, and discussed the revisions with Mr. Johnson to make certain that their concerns were met.

This letter is to confirm the fact that, unless I receive word to the contrary from you, the Department of Justice has no objection to the publication of this report.

Thanks again for your help throughout the inquiry into this subject.

Sincerely,

Frederick A. O. Schwarz, Jr.

Frederick A. O. Schwarz, Jr.
Chief Counsel

Copy to Paul Daly

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RECEIVED
MAR 5 1976

62-116395-14

ENCLOSURE

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 3/4/76

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

It was brought to the attention of the Legal Counsel Division that in the Senate Select Committee report concerning COINTELPRO the identities of Agents were contained which are below the level of Section Chief. The prior procedure and policy of the Senate Select Committee was not to include anybody below a policymaking position which it equated with Section Chief or above.

F. A. O. Schwartz, Counsel to captioned Committee, was contacted concerning this matter and Schwartz stated that he wanted to assure the Bureau that there would be no names of Agent personnel included in the report under the title of Section Chief. He indicated that their procedures and policies concerning utilization of the identity of Agent personnel will be consistent with the policies established by their Bureau mail opening report. This report was written by James Dick of the Committee and contains the identity of only one Section Chief and that is William A. Branigan. No one below the rank of Section Chief was identified. In fact, Dick did not identify SACs involved in this operation.

REC-104 62-116395-1449

RECOMMENDATION:

For information.

7 MAR 10 1976

1 - Mr. Mintz
1 - Mr. Leavitt
1 - Mr. Phillips
1 - Mr. Daly

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2ALM/KP

LEGAL COUNSEL

PVD:lad
(6)

84 MAR 15 1976

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

1 - Mr. J.B. Adams
1 - Mr. Mintz
1 - Mr. Walsh

February 27, 1976

1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Shackelford
1 - Mr. Deegan
1 - Mr. Newman

The Attorney General

Director, FBI

U.S. SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES (SSC)

On February 19, 1976, at the invitation of Staff Member Robert Kelley of the SSC, Supervisors Edward P. Grigalus and Homer A. Newman, Jr., reviewed the proposed draft of the Committee as it pertains to informants in the domestic security field. This review was for the purpose of determining if any information was contained therein which would expose informants or jeopardize any ongoing investigative activities in the internal security field as it pertains to informants.

Enclosed for your approval and forwarding to the SSC is the original of a memorandum setting forth the results of our review of this proposed draft.

A copy of the above memorandum is being furnished for your records.

REC-104 62-116395-1447

Enclosures (2)

62-116395

MAR 10 1976

1 - The Deputy Attorney General
Attention: Michael E. Shaheen, Jr.
Special Counsel for
Intelligence Coordination

ENCLOSURE

HAN:tdp (12)

SEE NOTE PAGE TWO

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Assoc. Dir. ___
Dep. AD Adm. ___
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Training ___
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TO BE HAND-DELIVERED BY THE OFFICE OF CONGRESSIONAL AFFAIRS

MAIL ROOM ☐ TELETYPE UNIT ☐

84 MAR 11 1976

GPO 921-546

The Attorney General

<u>NOTE</u>:

This is the first instance wherein the SSC has made available for review a proposed rough draft of a segment of the upcoming SSC report. It is expected that other segments will be made available by the Committee Staff Members. It was necessary to review this proposed draft in the offices of the SSC since they do not contemplate permitting proposed drafts to leave their premises. The approval for the use of information from the 2 classified documents has been coordinated with the IS-2 Section of the Intelligence Division and with the Budget and Accounting Section of the Administrative Division. The handling of the budget figure as set forth has been approved by Asst. Director E.W. Walsh.

1 - Mr. Adams
1 - Mr. Mintz
1 - Mr. Walsh
1 - Mr. Wannall
1 - Mr. Cregar

62-116395

February 27, 1976

1 - Mr. Shackelford
1 - Mr. Deegan
1 - Mr. Newman

U. S. SENATE SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES (SSC)

This document is prepared in response to your request and is not for dissemination outside your Committee. Its use is limited to official proceedings by your Committee and the content may not be disclosed to unauthorized personnel without the express approval of the FBI.

On February 19, 1976, at the invitation of Staff Member Robert Kelley of the SSC, Supervisors Edward P. Grigalus and Homer A. Newman, Jr., reviewed the proposed draft of the Committee's report as it pertains to informants in the domestic security field. This review was conducted for the purpose of determining if the report contained any information which would expose our informants or jeopardize any ongoing investigations or investigative techniques in the domestic internal security field as it pertains to informants. This review did not detect any such instances.

Two instances were noted, however, where information was set forth taken from classified documents.

(1) In connection with internal security - intelligence program supports, through the use of informants, a figure of $7,401,000 was used in the Committee's draft. This figure was taken from material captioned "Federal Bureau of Investigation Overall Intelligence Program, FY 77 Budget Compared to FY 76 (Dollars in Thousands)," classified "Secret," which was made available to the SSC by the Department. Although the document described above cannot be declassified, the FBI interposes no objection to the use of the above figure in the SSC report providing the report so reflects that this figure not only includes payments made to domestic internal security informants for services and expenses but also includes the cost of our

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2ALM/rs

HAN:tdp (11)

ORIGINAL AND ONE COPY TO AG

62-116395-1449

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ENCLOSURE

GPO 954-546

personnel, support costs and overhead.

(2) The Committee's draft under "Case No. 5" sets forth information regarding "Public Meeting Opposing U. S. Involvement in Vietnam War (1966)." This information was taken from a classified document captioned "Universities Committee on Problems of War and Peace" dated March 2, 1966.

The FBI cannot declassify this document since it contains information warranting its continued classification; however, the information as set forth in the Committee's draft would be unclassifiable as it appears. Therefore, the FBI does not interpose any objection to the use of this material.

1 - The Attorney General

RECEIVED FROM

FEB 12 1976

DOJ

6012

~~SECRET~~

R2330 pt. 4 of 4.

FEDERAL BUREAU OF INVESTIGATION

Overall Intelligence Program
FY 77 Budget Compared to FY 76
(Dollars in Thousands)

Program Element	FY 1976 Workyears	FY 1976 Dollars	FY 1977 Workyears	FY 1977 Dollars	Change Workyears	Change Dollars
Internal Security Investigations	1133	$28,286	1117	$27,879	-16	$-407
Counterintelligence Investigations	1523	37,237	1503	36,698	-20	-539
Internal Security Intelligence	207	7,401	204	7,294	-3	-107
Counterintelligence Intelligence	183	4,979	180	4,907	-3	-72
Organized Crime Intelligence	130	3,709	128	3,656	-2	-53
General Crimes Intelligence	294	8,419	290	8,295	-4	-124
Total Intelligence Program	3470	$90,031	3422	$88,729	-48	$-1,302

62-116395-1447

ENCLOSURE

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Classified by 9
Exempt from GDS, Category 3
Date of Declassification Indefinite

~~SECRET~~

PROGRAM DESCRIPTIONS

- Internal Security - Investigations. The program focuses on identifying organizations and individuals engaged in activities relating to (1) subversion, overthrow and distruction of governments within the United States; (2) the deprivation of constitutional and civil rights; (3) and foreign terrorism and their supporters whose activity is detrimental to the conduct of United States foreign affairs.

- Counterintelligence - Investigations. Through this program, investigations are conducted to thwart intelligence operations of foreign intelligence services in the United States.

- Internal Security - Intelligence. This program supports, through the use of informants, the internal security investigative program.

- Counterintelligence - Intelligence. Through the use of informants and other techniques, this program attempts to develop assets to identify foreign intelligence officers, penetrate foreign intelligence services in the United States, and neutralize the effectiveness of foreign intelligence services in the United States.

- Organized Crime - Intelligence. This program focuses on the development and use of a corps of carefully selected, high-level informants familiar with the leadership, structure, operations, associates and revenue sources of organized crime.

- General Crimes - Intelligence. This program supports, through the use of informants, the investigation of general crimes within the FBI's jurisdiction. This program is the FBI's tactical criminal intelligence program.

Case No. 5--Public Meeting Opposing U.S. Involvement in Vietnam War (1966)

Informers were used extensively in FBI investigations of possible Communist links to the antiwar movement. An example is the FBI's coverage of various antiwar teach-ins and conferences sponsored by the Universities Committee on Problems of War and Peace. A forty-one page report from the Philadelphia office--based on coverage by thirteen informants and confidential sources--described in complete detail a "public hearing on Vietnam." A Communist Party official had "urged all CP members" in the area to attend, and one of the organizers was alleged to have been a Communist in the early 1950's. Upon receipt from an informant of a list of the speakers, the FBI culled its files for data on their backgrounds. One was described by a source as a Young Socialist Alliance "sympathizer."

Another was a conscientious objector to military service. A third had contributed $5.000 to the National Committee to Abolish the House Committee on Un-American Activities. A speaker representing the W.E.B. DuBois Club was identified as a Communist. The FBI covered the meeting with an informant who reported practically verbatim the remarks of all the speakers, including the following:

The Chairman of the Philadelphia Ethical Society
A representative of the American Civil Liberties Union
A representative of the United Electrical Workers
A spokesman for the Young Americans for Freedom
A member of the staff of the "Catholic Worker"
A minister of the African Methodist Episcopal Church
A minister of the Episcopal Church
A representative of the Philadelphia Area Committee to End the War in Vietnam
A Professor of Industrial Economics at Columbia University
A representative of the Inter-University Committee for Debate on Foreign Policy
A member of Women's Strike for Peace who had traveled to North Vietnam
A member of Women's International League for Peace and Freedom who had visited South Vietnam
A chaplin from Rutgers University
A professor of political science from Villanova University
Another member of Young Americans for Freedom
The former Charge d'Affaires in the South Vietnamese Embassy

This informant's report was so extensive as to be the equivalent of a tape recording, although the FBI report does not indicate that the informant was "wired." Another informant reported the remarks of additional participants.

An official of the Committee for a Sane Nuclear Policy
A minister of the church of the Brethren
A Unitarian minister
A representative of United World Federalists
A member of Students for a Democratic Society
A member of the Socialist Workers Party
A spokesman for the W.E.B. DuBois Clubs

The report was prepared as a Letterhead Memorandum with fourteen copies for possible dissemination by the FBI to other Executive Branch agencies. Copies were disseminated to military intelligence

agencies, the State Department, and the Internal Security and Civil Rights Divisions of the Justice Department. SAC, Philadelphia to the FBI Director, Re: Universities Committee on Problems of War and Peace, March 2, 1966 (classified)

5-140 (Rev. 1-21-74) FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

Addressee: SENATE SELECT COMMITTEE

☐ LTR ☒ LHM ☐ Memo ☐ Report dated 2-~~26~~ 24-76

Caption of Document: U.S. SENATE SELECT COMMITTEE (SSC) (2/19/76 review of report) concerning informants

Originating Office: FBI

Delivered by: [signature] Date: 3/3/76

Received by: R Kelly

Title: Attorney - SSC

Return this receipt to the Intelligence Division, FBI

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ENCLOSURE

62-116395-1441

CLASSIFY AS APPROPRIATE

TE: SEE INSTRUCTIONS ON REVERSE BEFORE COMPLETING.

TO: Intelligence Community Staff ATTN: Central Index	FROM: FBI

SUBJECT: Abstract of Information Provided to Select Committees

1. HOW PROVIDED (*check appropriate term. If a document was made available for review but not transmitted, so note.*)

X	DOCUMENT		BRIEFING		INTERVIEW		TESTIMONY		OTHER

2. DATE PROVIDED
2/27/76

3. TO WHOM PROVIDED (*check appropriate term; add specific names if appropriate*)

X	SSC
	HSC

4. IDENTIFICATION (*provide descriptive data for documents; give name or identification number of briefer, interviewee, testifier and subject*)

Memorandum

5. IN RESPONSE TO (*list date and item number if in response to formal request, otherwise state verbal request of (name), initiative, subpoena, etc.*)

NA

6. CLASSIFICATION OF INFORMATION (*enter U, C, S, TS or Codeword*)

U

7. KEY WORDS (*enter the appropriate key words from the list provided separately; if key words not listed are used underline for emphasis*)

Operating procedures
Information handling

8. SUMMARY (*see reverse side before completing this item*)

Information regarding review of portion of proposed draft of SSC report pertaining to informants in domestic security field.

ALL INFORMATION CONTAINED
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DATE 1/19/01 BY SP2ALM/KP

62-116395

SJM:lhb (4) ORIGINAL VIA LIAISON TO CENTRAL COMMUNITY INDEX IN CONNECTION WITH SENSTUDY 75.

TREAT AS YELLOW

5-AJJ

3791 (6-75)

CLASSIFY AS APPROPRIATE

ENCLOSURE

62-116395-1111

INSTRUCTIONS

- Type or print clearly in ink.
- Indicate classification of the abstract top and bottom.
- Date the abstract and put on any internal control numbers required.
- "FROM" entry should clearly identify the organization providing the information.
- If additions (as when a copy of document sent to SSC is later sent to HSC) or changes to a previously submitted form are necessary, submit a copy of the original abstract, with the change indicated.

SPECIFIC ITEM NO. 8. SUMMARY - enter brief narrative statement describing substance of information and showing relationship to Intelligence Community matters if appropriate. Any feedback or evidence of investigatory interests should be noted. Commitments made to supply additional information should be noted. Additionally, certain administrative information may be entered here, e.g., restrictions on review of a document, if document was paraphrased, whether interviewee is current or former employee, etc. If actual document or transcript is provided, that fact should be noted and no summary is required. Additional pages may be attached if necessary.

94TH CONGRESS
2D SESSION

H. RES. 1073

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1976

Mr. EDGAR submitted the following resolution; which was referred to the Committee on House Administration

---

RESOLUTION

Resolved, That the report of the Select Committee on Intelligence filed on January 29, 1976, and entitled "Report of the Investigations of the United States Intelligence Agencies and Activities" shall be printed as a House document.

V

94TH CONGRESS
2D SESSION

H. RES. 1073

RESOLUTION

Ordering the printing of the report of the Select Committee on Intelligence.

By Mr. EDGAR

MARCH 4, 1976

Referred to the Committee on House Administration

94TH CONGRESS
2D SESSION

H. RES. 1074

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1976

Mrs. FENWICK (for herself, Mr. FRENZEL, Mr. ANDERSON of Illinois, Mr. EDGAR, Mr. CONABLE, Mr. MCKINNEY, Mr. JEFFORDS, and Mr. FINDLEY) submitted the following resolution; which was referred to the Committee on Rules

RESOLUTION

Resolved, That the report of the Select Committee on Intelligence, filed on January 29, 1976, and entitled "Report of the Investigation of the United States Intelligence Agencies and Activities" shall be referred to the Committee on House Administration, and such committee shall follow the procedures agreed to between the Select Committee on Intelligence and the President (a summary of which appears beginning at page H289 of the daily edition of the Congressional Record for January 26, 1976) with respect to the disclosure of classified information transmitted to such select committee. After such procedures have been complied with, such report, as may be altered in accordance with such procedures, shall be printed as a House document.

V

94TH CONGRESS
2D SESSION

H. RES. 1074

RESOLUTION

To provide for the speedy printing and publication of the report of the Select Committee on Intelligence.

By MRS. FENWICK, Mr. FRENZEL, Mr. ANDERSON of Illinois, Mr. EDGAR, Mr. CONABLE, Mr. McKINNEY, Mr. JEFFORDS, and Mr. FINDLEY

MARCH 4, 1976

Referred to the Committee on Rules

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA FPMR (41 CFR) 101-11.6

UNITED STATES GOVERNMENT

Memorandum

(copy 2/26/76 memo attached)

1 - Mr. J. A. Mintz
1 - Mr. T. W. Leavitt
1 - Mr. E. C. Peterson
1 - Mr. W. O. Cregar

1 - Mr. J. W. Johnson

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
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Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. T. W. Leavitt

DATE: 3/5/76

FROM : E. C. Peterson

SUBJECT: SENATE SELECT COMMITTEE REPORT ON MAIL INTERCEPT PROGRAMS

Memorandum sets forth the results of a review of the Senate Select Committee (SSC) report dealing with mail intercept programs.

On 3/4/76, the report prepared by Mr. James Dick of the SSC Staff concerning the mail intercept programs operated by the CIA and the FBI was reviewed by SA James W. Johnson. The report was reviewed to determine if the changes set forth in the memorandum from W. A. Branigan to Mr. W. R. Wannall dated 2/26/76, had been done. The review indicated the revisions agreed to between Mr. James Dick, SSC, and Mr. James P. Lee, had been done.

ACTION:

For information.

62-116395
1 - 105-288406

JWJ:emg
(7)

JWJ

T-GEN SSC

REC- 104 62-116395 - 1446

MAR 10 1976

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84 MAR 11 1976

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : J. J. McDermott / JJM

DATE: 3-11-76

FROM : W. J. Bailey / WJB

SUBJECT: Senstudy

94th Congress 2nd Session
3-4-76

The attached H. Res 1073 has been received in the Records Section, appropriately initialed, and indicated for file. By use of instant transmittal memorandum, all necessary recording and indexing will be accomplished. It is to be noted this form is for internal use only within the Records Section, principally by the Routing Unit where bulky material not accompanied by memorandum is usually received.

The enclosure, if bulky and not usually filed with other papers in file, may be detached but this action should be clearly noted under the word "Enclosure."

Enc.

62-116395-
NOT RECORDED
MAR 11 1976

ENCLOSURE

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DATE 1/19/01 BY SP2ALMKP

5 - TJm

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. R. J. Gallagher
(Attn: S. S. Peelman)
1 - Mr. W. R. Wannall
2/10/76
1 - Mr. J. G. Deegan
1 - Mr. J. T. Aldhizer
1 - Mr. S. F. Phillips

Mr. W. R. Wannall

J. G. Deegan

MARTIN LUTHER KING, JR.

This informative memorandum to advise of status of Departmental review of FBI files concerning Martin Luther King, Jr., and related matters.

You will recall that, commencing 12/6/75, personnel of the Civil Rights Division reviewed portions of our files concerning King and related matters. The last date such review was conducted in 1975 was on 12/19/75. On 2/9/76, Criminal Section Chief Robert A. Murphy resumed review of the King file. He worked on this for less than four hours on that day and was to return the morning of 2/10/76 but had not returned as of the dictation of this memorandum at 3:00 p.m., 2/10/76.

Murphy had been reviewing the King file to the exclusion of other files of interest. The King file is 94 sections in size and, as of 2/9/76, only about 25 sections had been reviewed. On that date, Murphy told Supervisor J. T. Aldhizer that, when he resumed the review the next day, he wanted to start with the portion of the file commencing 1/1/68. This would be Section 77, and thus Murphy would be skipping approximately 50 sections or a little over half of the file.

Murphy has given no indication, and neither has there been an indication from any other Departmental source, as to the true status of the Department's overall review

100-106670

1 - 62-116395 (Senstudy 75)

SFP:lhb
(9)

62-116395-
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CONTINUED - OVER

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DATE 1/19/01 BY SP2ALM/KP

57 MAR 25 1976

of this matter which reportedly was to lead to a judgement by the Department as to whether or not the investigation of King's assassination should be reopened.

ACTION:

None. For information.

1 - Mr. Callahan
1 - Mr. Adams
1 - Mr. Gallagher
1 - Mr. Cooke
1 - Mr. Long
1 - Mr. Mintz
1 - Mr. Wannall

PLAINTEXT TELETYPE NITEL

TO SACS SAN FRANCISCO 2/27/76

WFO

FROM DIRECTOR, FBI 62-116395

CHANGED, UNSUB, AKA, ROBERT LEE LEWIS; IMPERSONATION; OO: SF.

TITLE CHANGED FROM SENSTUDY 75 TO DESIGNATE ROBERT LEE LEWIS AS THE SUBJECT AND IMPERSONATION AS THE CHARACTER.

RE SF NITEL TO THE DIRECTOR, FEBRUARY 23, 1976, CAPTIONED, "SENSTUDY 75."

INQUIRY MADE BY FBIHQ HAS DETERMINED THAT THERE IS NO ONE BY NAME OF ROBERT LEE LEWIS EMPLOYED AS AN INVESTIGATOR FOR THE CHURCH COMMITTEE. IN VIEW THAT LEWIS HAS IMPERSONATED A GOVERNMENT INVESTIGATOR AND HAS ATTEMPTED TO OBTAIN INFORMATION THROUGH THIS IMPERSONATION, YOU ARE INSTRUCTED TO IMMEDIATELY CONDUCT APPROPRIATE IMPERSONATION INVESTIGATION, POSITIVELY IDENTIFY LEWIS, OBTAIN TELEPHONE NUMBER OF LEWIS FROM ED MONTGOMERY, AND SET FORTH LEADS FOR WFO TO HANDLE INTERVIEW OF SUBJECT. COPY OF REFERENCED TELETYPE HAS BEEN FURNISHED WFO.

END.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

Records
cc 62-116395

62-116395-

ORIGINAL FILED IN 47-56592

CAL:mer (9)

TKR 6:20PM
TELETYPE

NOTE: SAC, SF advised by teletype 2/23/76, that a Robert Lee Lewis, alleged investigator of the Church Committee, had attempted to get someone to testify before the committee concerning the mishandling of the Hearst case. Inquiry has determined that Lewis is not employed by the Church Committee. This instructs LA to conduct appropriate impersonation investigation.

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
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GPO : 1975 O - 569-920

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SF 476

NR 016 SF PLAIN

4:20 PM NITEL 2/23/76 MCC

TO DIRECTOR (62-116395)

FROM SAN FRANCISCO (62-5887)

ATTN LEGAL COUNSEL DIVISION

SENSTUDY 75

ON FEBRUARY 23, 1976, A SOURCE OF THE OAKLAND RESIDENT AGENCY REPORTED THAT ROBERT LEE LEWIS, INVESTIGATOR FOR THE CHURCH COMMITTEE, HAD BEEN TRYING TO GET SOMEONE TO TESTIFY BEFORE THE COMMITTEE ON THE MISHANDLING OF THE HEARST CASE. HE WAS SUPPOSED TO HAVE BEEN IN CONTACT WITH ED MONTGOMERY, A RETIRED EXAMINER REPORTER, AND POSSIBLY THE HEARSTS.

SAC BATES HAS BEEN PERSONALLY ACQUAINTED WITH MONTGOMERY FOR MANY YEARS. HE CALLED MONTGOMERY AND ASKED HIM CONCERNING THE ABOVE. MONTGOMERY SAID THAT HE HAD RECEIVED A TELEPHONE CALL FROM A THIRD PARTY ASKING HIM TO CALL LEWIS IN WASHINGTON AS HE WANTED ADVERSE TESTIMONY ABOUT THE FBI. MONTGOMERY CALLED AND WHEN UNABLE TO SPEAK WITH LEWIS AND AFTER BEING ADVISED OF WHAT LEWIS WANTED, HE HUNG UP. ON SUNDAY, FEBRUARY 22, 1976, LEWIS CALLED MONTGOMERY. HE TOLD MONTGOMERY HE WANTED SOMEONE TO TESTIFY AS TO HOW THE FBI HAD MESSED UP THINGS ON THE WEST COAST. MONTGOMERY IS NOT SURE IF HE SPECIFICALLY MENTIONED

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NOT RECORDED

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THE HEARST CASE. MONTGOMERY TOLD LEWIS HE HAD NOTHING IN THIS REGARD HE COULD TESTIFY TO, THAT THE FBI WAS DOING A FINE JOB, THAT HE, MONTGOMERY, DID NOT APPROVE OF THE WAY THE CHURCH COMMITTEE HAD HANDLED ITSELF IN THE PAST AND THAT THEY SHOULD GET OFF OF THE BACKS OF THE CIA AND THE FBI AND LET THEM GET ON WITH THE JOB AND THEN HUNG UP.

MONTGOMERY MADE THE COMMENT THAT HE THOUGHT THIS WAS A TERRIBLE WAY TO ATTEMPT TO GET FACTS. SAC BATES SUGGESTED TO HIM IF HE FELT SO STRONGLY ABOUT IT, HE SHOULD CONSIDER WRITING AN ARTICLE FOR THE EXAMINER AS TO THE APPROACH MADE TO HIM BY THE COMMITTEE. MONTGOMERY RETIRED SEVERAL MONTHS AGO, BUT IS STILL CLOSE TO THE EXAMINER.

ABOVE BEING SUBMITTED FOR BUREAU'S INFORMATION.

END

2/23/76 Lewis per Elliff SSC is not a staff member prd